DISCUSSION UNDER RULE 193

REMOVAL OF GOVERNORS OF FOUR STATES

ON THE BASIS OF THEIR IDEOLOGY

Title: Removal of Governor of four states on the basis of their ideology.

MR. SPEAKER: Discussion under Rule 193.

Shri L.K. Advani.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I am on a point of order.

MR. SPEAKER: On what?

SHRI VARKALA RADHAKRISHNAN : As per rule 194, sub-clause (1):

> "â€¦ if an early opportunity is otherwise available for the discussion of the matter the Speaker may refuse to admit the notice."

Here is a case where the General Budget was presented before the House on the 8th July, 2004 and we have an earlier opportunity for discussing this matter during the discussion on the General Budget. He could avail of it. Politics should not overweigh the democratic traditions. My humble request is that we will abide by the rules wherein an early opportunity must be availed of in discussing this issue. This is also closely in connection with the discussion under rule 193.

Moreover, my humble submission is that they have taken the matter to the Supreme Court. The Supreme Court is seized of the matter. We are supreme. We will await the decision of the Supreme Court. As I said, as a supreme body, we have a right to take a decision in these matters. It is a constitutional matter. We have every right to take a decision. Let us wait till the decision of the Supreme Court is made available. That is my humble submission. ...(*Interruptions*) Not only that, discussion at this stage will directly or indirectly influence the decision of the Supreme Court. ...(*Interruptions*) These are my points. ...(*Interruptions*)

MR. SPEAKER: Why are you getting excited? Let me do my job.

...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : Anyhow, I must submit that political expediency shall not overweigh the parliamentary democratic traditions. With these words, I put my point of order. I oppose this. ...(*Interruptions*) But in principle, I fully agree with the discussion. I am not standing in the way of discussion. In principle, I agree but that should not be at the risk of parliamentary democratic traditions because it will go on record for the future generation to see that anything can be discussed when there is an earlier opportunity. This is my humble submission.

MR. SPEAKER: Earlier opportunity is the Budget. Is not it? You yourself have said that we are supreme.

SHRI VARKALA RADHAKRISHNAN : The earlier opportunity is the discussion on the General Budget.

MR. SPEAKER: Let us discuss the financial matters there.

The Leader of Opposition.

...(*Interruptions*)

MR. SPEAKER: It is a very valid point but not raised at quite an appropriate time.

...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : But it should not be at the risk of democratic traditions.

MR. SPEAKER: Do not ask for the ruling. It will be a precedent against you.

...(*Interruptions*)

SHRI L.K. ADVANI (GANDHINAGAR): Mr. Speaker, Sir, I have raised this discussion. There is no question of any political expedience. I think this is a matter which deserves to be debated and the hon. Home Minister, Shri Shivraj Patil is here. I have known him for a long period of time. I would urge him to view this issue with an open mind.

Some decisions have been taken and it would be my humble endeavour to point out that these decisions have not been taken taking into account the full implications of all these decisions. It is, therefore, that the motion as worded is a discussion regarding removal of Governors of four States on the basis of their ideology.

Sir, before I come to the issue proper, I would like to make a few observations about the Indian Constitution insofar as its federal character is concerned.

The Constituent Assembly deliberations show that there was an attempt by some Members to describe it as a Federation of States but the Constituent Assembly did not favour this. Dr. Ambedkar personally favoured the use of the word 'Union' and article 1 described India as a Union of States. I would think that the Constitution of India, as it emerged from the deliberations of the Constituent Assembly, has important federal features but it is not a federation in the classical sense. It cannot be, of course, called a unitary Constitution. It is not.

According to Dr. Ambedkar who was the Chairman of the Drafting Committee of the Constituent Assembly, 'it is unitary in extraordinary situation, such as war but is federal in normal circumstances.' Now, Dr. Ambedkar himself described what he thought and why he thought that Union was more appropriate. He did it brilliantly when he said: "Thought India is to be a federation, the federation is not the result of an agreement by the States to join in the federation and that the federation not being the result of an agreement, no State has the right to secede from it. The federation is a union because it is indestructible. Though the country and the people may be divided into different States for convenience of administration, the country is one integral whole. Its people, a single people living under a single imperium derived from a single source."

Now, these are Dr. Ambedkar's views accepted by the Constitution makers. There can be ideologies which do not subscribe to this. There are ideologies. This is not the occasion for going into all that. But there are ideologies which hold that India is a multinational State. It is not a single nation, State.

The Americans, Dr. Ambedkar said, had to wage a civil war to establish that the States have no right of secession and, therefore, federation was indestructible. The Drafting Committee thought that it was better to make it clear at the outset rather than to leave it to speculation or disputes.

Mr. Speaker, Sir, in the first two decades of Independence, from 1947 right up to 1967, broadly speaking, the Centre as well as the States were governed by one single party. It was a single dominant party polity that we experienced during the first two decades of Independence, and so problems relating to Centre and States did not arise in the manner in which they arose subsequently. In those two decades, if there were any problems, they were sorted out within the structure of the dominant party itself. So, it was the Constitutional experts like Morrice who said: "It is only after 1967 that India became a federation in the real sense of the word."

In fact, I was going though some old addresses of Presidents to Governors' Conferences, and I found that it was in 1969 that Rashtrapati Shri V.V. Giri opened his address to the Governors' Conference saying that: 'Today, more than at any time before...(*Interruptions*)

MR. SPEAKER: Just a second, please.

I request all the hon. Members to please switch off their mobile phones, whosoever have them here, and please do not bring them inside the House in future.

Yes, please continue Advaniji.

SHRI L.K. ADVANI : Rashtrapati Shri Giri had said on December 12, 1969:

> "Today more than at any time before, the Governors are called upon to face situations which were perhaps not fully envisaged when our Constitution was made."

I am not precise about the date, but perhaps Members from Tamil Nadu would enlighten me on that because during that period the Tamil Nadu Government also thought that it was necessary to examine this problem of Centre-State relations, and they set up Rajamannar Commission. It was later, perhaps around the early 1980s, that the issue of Centre-State came to the forefront and became acutely debated, against the backdrop of the Anandpur Sahib Resolution, pushed forward by the Shiromani Akali Dal. Mrs. Gandhi was the Prime Minister at that time. I recall the All-Party Meeting she had convened. I was also a participant in that meeting; the Shiromani Akali Dal was also there. The debate went on for maybe two days or three days; an elaborate discussion was there on Centre-State relations − how the Centre has become all powerful, the States have lost their authority, etc. etc. As a result of that, Mrs. Gandhi decided that we set up a Commission, the Sarkaria Commission to probe those questions thoroughly in all its aspects, and that it should be a comprehensive study of the problem of Centre-State relations.

SHRI MOHAN SINGH (DEORIA): It was in 1983.

SHRI L.K. ADVANI : It was announced in 1983, but it was in early 1980s that the discussion went on; as you rightly said, it was in 1983 − on March 24th, 1983 − that in Parliament, Mrs. Gandhi announced this proposal to set up the Commission under the Chairmanship of Shri Sarkaria, a retired Judge of the Supreme Court. She declared and I quote:

> "The Commission will review the existing arrangements between the Centre and the States, while keeping in view the social and economic developments that have taken place over the years. The review will take into account the importance of unity and integrity of the country, for promoting the welfare of the people."

She further enunciated that the Commission would examine 'the working of the existing arrangements between the Centre and the States and recommend such changes in the said arrangement as deemed appropriate within the present constitutional framework'.

The Sarkaria Commission was set up in 1983. It laboured hard for five years. In the year 1988, it submitted its voluminous reports; it was in two volumes, and it was running into something like 1600-1700 pages. My Party, the Bharatiya Janata Party also submitted a memorandum to the Commission. The Communist Party of India, the Communist Party of India (Marxist) and several units of these Parties also submitted their memoranda to the Commission. At the end of these labours, I hold that insofar as the Centre-State relations are concerned, it is a monumental document that has been produced, a very weighty document, though there may be some aspects of the document which one may say that it has become outdated. But broadly speaking, the labour has been enormous; it was awesome really.

The Indian Constitution also provided that if need be, if the President so feels − when it says that if the President so feels it means that if the Government of India so feels − it can set up an Inter-State Council, to examine matters of common interest to States or to the Union and the States. I know that since 1967 or may be even earlier, since the early 1960s, my Party, the Jan Sangh at that time, and several other Opposition Parties had been demanding setting up of an Inter-State Council.

This did not happen. But after 1967, gradually the demand became more and more strident and it was only in 1990 that the Inter State Council was set up. If I am correct, it was when Shri V.P. Singh was the Prime Minister of our country. I know that this Inter State Council, which includes all the Chief Ministers of the country and several prominent Members of the Central Government, has been deliberating for the last nearly 14-15 years mainly on the Sarkaria Commission Report. Out of the hundreds of recommendations, most have now been discussed, deliberated upon and sorted out. One of them, a major chapter of the Sarkaria Commission Report, refers to the role of the Governors. The very first sentence of this chapter is, 'the role of Governor has emerged as one of the key issues in Union and State relations'. This is the first sentence of Chapter 4, which is, 'The Role of Governor'. So, today when we are discussing it, it is not merely the question of removal of these four Governors but we are referring to what has been said in the entire chapter with regard to the role and purpose of the Governor.

These days, in the context of these discussions or in the context of what has happened in Arunachal Pradesh, I have heard the Government saying, 'scrap the office of Governor. Let it go. It does not matter'. When we casually or lightly make remarks of these kinds or when anyone makes such remarks, I wish he should first go through the Constituent Assembly debates. There, the earlier concept was that like the president even the Governor would be elected. But subsequently, after much deliberations, everyone, including Dr. Ambedkar and Pt. Nehru, came to the conclusion that there is no need for an elected Governor. If we have an elected Governor and an elected Chief Minister, then the elected Governor would not be the constitutional head. It would be different from the position obtaining at the Centre. Therefore, it would be desirable that the Governors should be appointed by the President. Of course, certain provisions should be made.

Article 156 was discussed. Article 156 (1) says that the Governor shall hold office at the pleasure of the President. It went on to say that the term of the Governor shall be five years. So many Members asked what did it mean. They thought that if the Governor holds office at the pleasure of the President, then his tenure would be uncertain. He would be removed from the office any time. Prof. K.T. Shah said, "I just cannot understand this". Prof. Shah moved an amendment saying that the Governor shall be irremovable from the Office during his term of five years. He argued that we should see to it that if he has to be the constitutional head of a province, if he is acting in accordance with the advice of his Ministers, we should see to it that at least while he is acting correctly, in accordance with the Constitution, he should not be at the mercy of the President who is away from the province and who is a national and not a local authority. This was the kind of thinking that went on and it was not only Prof. K.T.

Shah who said so but many others also favoured fixed tenure and said that otherwise we might put down in writing under what circumstances he could be removed.

After all, there is a provision for impeachment of the President under certain circumstances. We may provide for that in the case of Governors also. Dr. Ambedkar replied to the debate on Article 156 (1) and said that the power of removal is given to the President in general terms. What Prof. Shah wanted was that certain grounds should be stated in the Constitution itself for the removal of the Governor. It seems to me that when we have given general power to appoint, we should also give power to the President to remove a Governor for corruption, bribery, violation of the Constitution or for any other reason which the President no doubt feels is the legitimate ground for his removal.

It seems, therefore, quite unnecessary to burden the Constitution with all these limitations in expressed terms. Now, the concept that Dr. Ambedkar had in mind when he provided that the Governor shall hold office at the pleasure of the President, meaning if the President withdraws pleasure, the Governor goes, he said that he would do it not ordinarily, not as a matter of routine, he would do it for corruption, for bribery, for violation of the Constitution or for any other reason which the President, no doubt, feels is a legitimate ground for the removal of the Governor. All these debates of that time become very relevant now. After this also the Sarkaria Commission has again gone through it; the Inter-State Council has also gone through it and lately, after Shri Vajpayee became the Prime Minister, he appointed the Venkatachellaiah Commission to examine the Constitution, ...(*Interruptions*) and that Commission has also gone into it. What do all these bodies say?

श्री मोहन सिंह : इनकी आंतरिक इच्छा है कि माननीय वाजपेयी जी प्रेसीडेंट हो जाएं।

SHRI L.K.ADVANI: The Sarkaria Commission has given a lot of space to discussing that the tenure of the Governor should be secured. It has talked about the security of tenure for the Governor. It says that the intention of the Constitution makers in prescribing a five years term for this office appears to be that the President's pleasure, on which the Governor's tenure is dependent, will not be withdrawn without cause shown. Any other inference would render clause (3) of article 156 -- which prescribes the term of office of the Governor as five years − largely otiose. सिब्बल जी लीगल एक्सपर्ट यहां बैठे हुए हैं। This is the interpretation of the Sarkaria Commission. इरादा यह था कि कभी हटाना चाहें तो हटा दें, तो यहां काहे को लाते, फिर तो यह लिख देते -- That the Governor shall hold office at the pleasure of the President. They would not have put the clause (3) at all. Here the Governor's removal is based on procedure which affords him an opportunity of explaining his conduct in question and ensures a fair consideration of his explanation, if any. When the Inter-State Council considered this matter, it came to the conclusion and this means that it is not merely the Central Government, it also means virtually all the State Governments and the Centre coming to a conclusion that they accepted the recommendations of the Sarkaria Commission that the Governor's tenure of office of five years should not be disturbed except very rarely and that too for some extremely compelling reasons. This is the recommendation of the Sarkaria Commission accepted by the Inter-State Council, which means the Central Government as well as the State Governments.

Sir, I remember − when the late Shrimati Indira Gandhi as Prime Minister decided about the Sarkaria Commission, her Principal Secretary at that time and who was a major participant in all the deliberations that took place on that occasion and who was also an hon. Member of the other House and who had also been a Governor at one time − Shri P.C.Alexandar.

Mr. Alexander has recently written an article on this question of removal of Governors in which he has pointed out that this is not the first time that Governors have been removed. It has happened earlier also. When Shri V.P. Singh was the Prime Minister, all Governors were removed. At that time, the Home Minister was Shri Mufti Mohammed Sayeed and, Shri Mufti Mohammed Sayeed's statement simply was:

> "With the change of Government at the Centre, there should also be a change of Governors."

Now, Shri P.C. Alexander's comment is that this rationale that with the change of Government, there should be a change of Governors is simple but fallacious. At least, the Sarkaria Commission does not agree with it. The Sarkaria Commission says that while the Chief Ministers are subject to change, the Governors are not supposed to be subject to change. In fact, it says that they ensure continuity. Paragraph 5.04 of the Sarkaria Commission's Report says:

> "The tenure of the Governor unlike that of the Chief Ministers does not depend on majority support in the Legislative Assembly. Chief Ministers change from time to time depending on their enjoyment or loss of such support but the Governor continues irrespective of the change of Ministries or even dissolution of the Legislative Assembly. The Governor continues even on the expiry of his five year term till his successor takes over. Thus, the institution of Governor assures continuity of the process of Government."

I saw this aspect highlighted in the Report of the Sarkaria Commission only these days. Earlier, I was not conscious of this that the Governor serves this purpose also that he ensures the continuity of the Government which, in a democracy, Chief Ministers cannot....(*Interruptions*)

THE MINISTER OF HOME AFFAIRS (SHRI SHIVRAJ V. PATIL): There also somebody has to be there.

SHRI L.K. ADVANI : It is in that context, therefore, that one goes to explain it at length why we are of the firm view that this is an office which cannot be dispensed with, as has been suggested by some people.

Now, Mr. Alexander has made a severe comment, compared the doctrine put forth by Shri Mufti Mohammad Sayeed in the days of Shri V.P. Singh that with the change of Government, let there be a change of Governors, with the doctrine of Shri Shivraj Patil. But he says what this Government has said. He says what the present Home Minister has said:

> "We have not changed all of them. We have changed only four Governors. We have changed only those Governors, and we have taken action in States, where the incumbents have different ideologies. A person with a particular ideology finds it difficult to understand another viewpoint or sometimes does not want to understand. This can create difficulties specially at a time when the Government of one ideology is replaced by that of another."

Now, I respect Shri Shivraj Patil. But I would say that while Shri Mufti's doctrine was fallacious, Shri Shivraj Patil's doctrine is dangerous. I regard it as ominous. Today, we have, in the country, parties governing major States whose ideologies we do not agree with. But that does not mean that that can be the justification for invoking article 356. Can it be? Today, we are presided by an eminent Member of the House whom I respect greatly. When he became the Speaker of the House, I was the first to compliment and congratulate him. If I have to think in terms of ideologies, then he does not agree with my ideology and I do not agree with his ideology. Are ideologies to be the touchstones for matters of this constitutional nature? And when this kind of a statement was made, which I have highlighted in my Motion itself, I was reminded of the kind of situation this country has passed through during the 1970s.

Let it never be forgotten that what happened in 1975-76 or 1976-77, the kind of eclipse that came over our democracy during that period, actually started with a dangerous doctrine of this kind. It was propounded in order to justify the supersession of judges. Judges were superseded on the ground that we must have a committed judiciary in the country and that we cannot have a judiciary which has its own ideology and judges who have their own ideologies. It was a very limited matter. It was a famous case. Mr. Speaker will guide me on that. I am not talking of judges. I am not naming the judges. An issue was in dispute at that time. There were differences among judges. There were senior judges who were in favour of that doctrine and there were other judges who were not in favour of that doctrine.

I hold that it was in 1973 that the basic seeds were sown for what happened in 1975. It was started in 1973 with the concept and doctrine of committed judiciary. On that ground supersession of judges was justified. Similarly, today the doctrine of committed Governors is being propounded. The Governors are committed to a particular ideology. If they do not subscribe to some other ideology, out they go. If they had done something wrong because of that ideology, I would have been the first person to support their removal. But if they have to go simply because of their belief in a certain ideology, then it is wrong. No one has said that they have committed some wrong.

I do not believe in secrets. When I first came to know that some of the Governors have been rung up by the Home Secretary telling them that the Government wanted to change them and therefore they suggested that they resign, we went to meet the Prime Minister. Those Chief Ministers also rang me up and told me that this has happened. I, accompanied by Shri Jaswant Singh, Leader of the Opposition of the other House, called on the Prime Minister. We asked him what was happening and what was the thinking of the Government on this issue. He said that there had been some complaints against the Haryana Governor. So, he said, it is in that context this must have happened, not in any other context. Then, he asked the Home Minister and the Home Minister said that it was not merely against the Haryana Governor that complaints have been received, there were complaints against Governors of Goa, Uttar Pradesh, and Gujarat also. He mentioned three others. Four together had been the Governors who have been removed from their office.

Now, that shows that this kind of decision also is not a very well thought out one at the level of the whole Government. I do not know how it happened in toto. After this statement came about ideology, I felt that this is something that I would request the Home Minister himself to re-consider and think about it whether it is the right approach.

These days, incidentally the Arunachal Pradesh matter also has come up. About Arunachal Pradesh, agitation is

going on that the Government should go and that article 356 should be invoked. Let us never forget that when article 356 was being made part of the Constitution, there was a hue and cry in the Constituent Assembly. There were many who said that article 356 should not be part of the Indian Constitution. Persons like Shri Kamat and many others also strongly opposed it. In his reply, Dr. Ambedkar said that he could understand their misgivings and fears that when one had a provision of this nature which gave great authority to the Central Government to override the authorities of the State, there was a possibility of abuse.

> "There is possibility of abuse. But I look forward to - as I am confident - that nothing of that kind that you have feared will happen and Article 356 will remain a dead letter of the Constitution."

"Dead letter" were the words that he used. We know that it did not remain a dead letter and the result of that has been that there are many parties in the country including some parties which support this Government, including some parties which had been part of the NDA Government which had been strongly of the view that Article 356 should be repealed completely and it should go. My party has not been of that view. My party may have been the biggest sufferer of Article 352 which imposed Emergency on the country in 1975. But even then my party recognised that when the Constitution-makers in 1950 felt that there could be situations in the country where Emergency could be necessary - war was certainly one of them − we only changed the words "internal disturbance" and made it a kind of a phraseology which made the use of Article 352 - as it was done in 1975 - virtually impossible. But we always thought in terms of national interest. We felt that if there is a need for Article 356, let it be there but it should not be abused. I would like to say that Article 156 (1) also ...(*Interruptions*)

THE MINISTER OF DEFENCE (SHRI PRANAB MUKHERJEE): Will you yield for a second? I would just like to remind you that when the 43rd Constitutional Amendment was introduced, there was deletion of Article 356 altogether. Most respectfully, I would like to remind you that you were the Leader of that House, and myself and Shri Kamalapati were from the Opposition. We met you. You were good enough to retain Article 356 and the 43rd Amendment was amended further. Instead of reducing the period from three years, it was confined to the period of one year. Therefore, perhaps, it would not be correct to claim that your party did not disagree to the total deletion of the Article 356 from the text of the Constitution as Shri Vajpayee, yourself and many others of your colleagues were part of the Government in 1977 which brought forward the 43rd Amendment.

SHRI L.K. ADVANI: Thank you for reminding me. That is exactly what I am saying. We have never even advocated removal of Article 352 which was the one under which we suffered the most.

SHRI PRANAB MUKHERJEE: Article 356.

SHRI L.K. ADVANI: Article 356 also. We have been of the view that it should be there. The Akali Dal has been strongly of the view − the Shiromani Akali Dal has often said that − that it should be repealed. But we have maintained that. Therefore, our approach in these matters is that abuse should be prevented. Basically, if a law is necessary, if a provision is necessary, let it be there. Therefore, at no point of time have we said that the expression "Governor shall hold office at the pleasure of the President" should be omitted, should be repealed. We have not said that. We have only said that that has to be reconciled with the provision which says that the term of office of the Governor shall be five years. That reconciliation is what has been recommended by the Sarkaria Commission, what has been accepted and endorsed by the Inter-State Council which comprises both the Central Government and the State Governments. I would, therefore, appeal to Shri Shivraj Patil to accept the Sarkaria Commission's recommendation in this regard and make no changes in Governors.

Furthermore, I would also like to emphasise that the second point that has been made in respect of Governors is that in selecting a person to be appointed as Governor of a State, there should be effective consultation with the State Chief Minister. It should be effective consultation and not just a formal consultation. I can say that Shri Vajpayee was the Prime Minister of this country for six years during which period this task was assigned to me. There was not a single case in the whole country where a new Governor was appointed in a State without consultation with the Chief Minister − not only without consultation with the Chief Minister but also if the Chief Minister voiced any reservation about the person sought to be appointed as Governor, then, I would suggest to him a couple of more names and whatever name was acceptable to the Chief Minister, that person was appointed as the Governor.

So, for all practical purposes, a Governor should be appointed with the consent of the Chief Minister concerned. This is what I understood by "effective consultation". Subsequently Justice Venkatachelaiah Commission was constituted and that Commission endorsed all these points. It further said that normally the five-year term should be adhered to and removal or transfer of the Governors should be done by following a similar procedure as for appointment, that is, after consultation with the Chief Ministers of the concerned States. Therefore, even in the

case of removal or transfer of a Governor, Justice Venkatachelaiah Commission said that it should be done in consultation with the Chief Minister of the concerned State.

I do not know whether there has been any consultation with the Chief Ministers of the four States in the present case. To the best of my knowledge, they have only been informed that this is what is happening. The Members from the Ruling Alliance can say that this has been happening before. I would only emphasise that in the last six years this had not happened and we had set up a good precedent. Why are they violating it? I would appeal to them not to violate it.

Sir, we feel that what the NDA Government had done in the last six years has strengthened federalism and Centre-State relations in the country. I had no difficulty in dealing with the Chief Ministers belonging to the Congress Party and the Marxist Party. Most of them have always been very helpful and very cooperative. I believe that by bringing the regional parties into the Central Government they have learnt something about the national perspective and we, who regard ourselves as national parties, have learnt a lot about their regional concerns. This has helped the country, has helped the Central Government and has strengthened federalism in the country. What has been done now in the case of these four Governors has, I believe, weakened the federal structure of the country. I regard the doctrine which has been propounded or the rationale which has been given that they have an ideology which is different from ours and that will create problems as an outrageous assault on the concept of multi-party democracy enshrined in the Indian Constitution.

With these words, I would once again plead with the Home Minister to review the whole matter and deal with it with an open mind.

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Mr. Speaker, Sir, Shri Advani has approached this important subject in a historical perspective and in normal circumstances I think, that ought to be the way we should approach the subject as important as this. But I do feel that his referring to historical facts has been quite selective. I would not call it selective dementia, but for the objective that he wanted to achieve and the point that he wanted to make, he has chosen to refer to some of the aspects only and for obvious reasons he has not referred to many others.

But before I come to that, I would only briefly like to refer to the provisions as those were referred to by Shri Advani also and that is article 156 of the Constitution of India. Article 156 (1) says:

> "The Governor shall hold office during the pleasure of the President."
>
> Article 156 (3) says:
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> "Subject to the foregoing provisions of this article, a Governor shall hold office for a term of five years from the date on which he enters upon his office:â€¦"

This was omitted by him.

Sir, the recommendations of the Sarkaria Commission have been before us for many years. The Congress Government, from time to time, picked up some of those and brought about certain amendments. The Bharatiya Janata Party had ample opportunity thereafter to do that, but it was put in cold storage. I would like to refer to one recommendation from Chapter IV of the Sarkaria Commission's Report and that says "A person to be appointed as a Governor should satisfy the following criteria:" One of those is that "he should be a detached figure and not too intimately connected with the local politics of the State."

In this lies the basis of the action taken by the present UPA Government. I think, we are at one when we say that it was the ideology of the four gentlemen which should have impelled them to vacate office on their own. But since, they did not, the Government had to take this unsavoury decision and the President had to withdraw his pleasure.

SHRI SHIVRAJ V. PATIL: Sir, this word 'ideology' is likely to be used by many speakers in this debate. I would like to say that you are depending on what has appeared in the media. When they asked us why they were removed, we had to say that supposing we wanted to carry everybody with us and if some people did not want to carry everybody with them, there was a difference in approach. So, we would like everybody to carry with them. That is the point. This word 'ideology' should not be emphasised too much. I will explain in my reply in detail what has happened.

SHRI L.K. ADVANI : The hon. Minister has used the word 'ideology'.

SHRI SHIVRAJ V. PATIL: I will explain it when I am replying to it. I am saying this thing at this point of time because it should not be needlessly emphasised.

SHRI L.K. ADVANI : In fact, I would also add a crucial thing. One recommendation of the Sarkaria Commission in respect of appointment of Governors was that 'he should be a person who has not taken too great a part in politics generally and particularly in the recent past'.

SHRI SHIVRAJ V. PATIL: I am thankful to you for putting that.

SHRI L.K. ADVANI : It was because that issue was discussed in the Inter-State Council and the Inter-State Council did not agree with this. They said that this kind of approach means that politicians should not be appointed. This kind of approach means that only retired bureaucrats or judges etc. should be appointed. This is something which the Inter-State Council did not agree to among the recommendations of Sarkaria Commission about Governors. This was one thing, which they formally said, 'not accepted'. I am inclined to agree with that 'non acceptance' that they said.

THE MINISTER OF STATE OF THE MINISTRY OF SCIENCE & TECHNOLOGY AND MINISTER OF STATE OF THE DEPARTMENT OF OCEAN DEVELOPMENT (SHRI KAPIL SIBAL): I am not taking part. I just want to mention that in fact this is what the Constitution Review Committee, that was set up by their Government, recommended.

SHRI L.K. ADVANI : I know that.

SHRI KAPIL SIBAL: I am quoting it. "The Governor should be a detached figure, not too intermittently connected with local politics of the State and not being a person who has taken too greater part in politics."

MAJ. GEN. (RETD.) B. C. KHANDURI (GARHWAL): What is being done now? They cannot have double standards.

MR. SPEAKER: We are having a debate of very high quality.

SHRI L.K. ADVANI : I was quoting verbatim from the Sarkaria Commission and the Sarkaria Commission recommendations have been one by one discussed in detail by this body of Inter-State Council, which includes all political parties, all Chief Ministers of the country and the Central Government. I am inclined to agree that this anti-politician approach weakens democracy. I am of that view. Therefore, politicians should not be appointed Governors is a recommendation which the Inter-State Council rightly rejected.

MR. SPEAKER: This is a very high level debate. Let us continue.

SHRI PAWAN KUMAR BANSAL : In the present case, the President did not withdraw his pleasure in case of four Governors on the ground that they were appointees of the previous Government, that they owed allegiance to BJP. If that were the criteria, there were so many others. That certainly was not the criteria. The criteria was, these four gentlemen took it upon themselves to repeatedly say and it is in the case of one former hon. Governor that I have with me saying, 'I am proud to be a member of the RSS'....(*Interruptions*)

मेजर जनरल (सेवानिवृत्त) भुवन चन्द्र खंडूडी : इसमें बुराई क्या है ?

SHRI PAWAN KUMAR BANSAL : I agree that under the Constitution which talks of cooperative federalism, there have been occasions in the past, there would be occasions in the future where Governors in various States would not be sharing the same political views as the Government at the Centre does.

15.00 hrs.

But in the case of RSS − kindly permit me to refer to history − there are compelling reasons why the Government of today has to be wary of situations which could possibly arise − Sir, we hope those situations never arise − where an hon. gentleman sitting in the Governor's House, in the *Raj Bhawan,* could on a particular occasion, take the stand that since he is proud to be a member of the RSS, he could not care as to what the President or the Government at the Centre feels. In this connection, Sir,...(*Interruptions*)

MR. SPEAKER: Very appropriately, the Leader of Opposition was heard with rapt attention. We heard one of very fine speeches. I am sure, I very important issue is being debated here. Let us do it without any intervention. Some intelligent intervention is all right. Let there be some humour.

SHRI PAWAN KUMAR BANSAL : Before I come to this point which, might agitate my hon. friend, I would only like to cite one precedence . It was on 19th March, 1998 that hon. Shri Vajpayee was sworn in as the Prime Minister. It was on 15th of April, 1998 that *The Hindu* carried the statement of Shri K.P. Singh, the then Governor of Gujarat, saying that the Home Secretary had asked him to resign. That was not controverted by this Government. Shri K.P.

Singh had been a Member of Congress Party. We know it. There were two other gentlemen − the Lt. Governor of Delhi, and the Governor of Mizoram. They were not Congressmen. There was no question of ideology. The only thing against them was that they were appointees of the Congress Government and they were asked to go. It was under those circumstances that those gentlemen resigned.

Sir, as I began by saying that we did expect that the gentlemen who openly said that they owed allegiance to the RSS, were welcome to work outside. The Constitution of India guarantees the fundamental right of association. We are not taking that away . There were occasions when even the Governments of the day were compelled to do that. But, today, the only action that has been taken was because of your ideology. I said I as an individual Member would like to use that word repeatedly − maybe quite repeatedly − that because of your ideology, it may 'embarrass' you at times, not 'embarrass' you only, it may 'embarrass' the Government, it may embarrass the country when a particular situation arises and you stick to your ideologies.

Sir, I know I am not guiding them but I, for my own satisfaction and to build up my own point, would like to read from the thoughts of Shri M.S. Golwalkar. And the words which I am going to read have not been repudiated till date. He said:

> "The foreign races in *Hindustan* must either adopt the Hindu culture and language, must learn to respect and hold in reverence Hindu religion, must entertain no idea but those of the glorification of the hindu race and culture, that is of the Hundu nation, and must lose their separate existence to merge in the Hindu race, or may stay in the country wholly subordinated to Hindu nation, claiming nothing, deserving no privileges far less any preferential treatment, not even citizens' rights."

This is relevant : "Not even citizens' rights". This is your ideology that people who do not contribute to , who do not subscribe to your views, could even be deprived of citizenship rights.

15.04 hrs. (Mr. Deputy-Speaker *in the Chair*)

Sir, Shri Golwalkar further goes on to say:

> "There is, at least should be, no other course for them to adopt. We are an old nation. Let us deal as old nations ought to do and deal with foreign races who have chosen to live in our country."

This, as I said ...(*Interruptions*)

SHRI KHARABELA SWAIN : Can you tell us the source from where you are quoting this?

You tell us. Let us be enlightened by you. ...(*Interruptions*)

SHRI PAWAN KUMAR BANSAL : Sir, the Bunch of Thoughts â€¦ (*Interruptions*)

SHRI KHARABELA SWAIN : From which source are you quoting this? You are merely saying that you are quoting it from a newspaper. â€¦ (*Interruptions*)

MR. DEPUTY-SPEAKER: Please sit down. Shri Bansal, please continue.

SHRI PAWAN KUMAR BANSAL : Sir, I would be extremely happy if Shri Kharabela Swain were to rise to say that he repudiates this. â€¦ (*Interruptions*)

SHRI KHARABELA SWAIN : Yes. This is wrong. No Guru Golwalkar had written like this. ...(*Interruptions*)

SHRI PAWAN KUMAR BANSAL : It was because of the activities of the RSS, that on three distinct occasions the RSS was banned. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Interruptions without my permission will not be recorded.

*(Interruptions)**

* Not Recorded.

SHRI PAWAN KUMAR BANSAL : The first time when the RSS was banned was after the assassination of Mahatma Gandhi. Sir, Godse had denied that he was a member of the RSS but thereafter his brother Gopal Godse ...(*Interruptions*)

श्री थावरचंद गेहलोत (शाजापुर) : यह गलत है।â€¦ (व्यवधान)

श्री पवन कुमार बंसल : अभी तो मैंने कुछ कहा ही नहीं है।

MR. DEPUTY-SPEAKER: If it is wrong, you can speak in your own turn.

...(*Interruptions*)

श्री पवन कुमार बंसल : उपाध्यक्ष महोदय, किस पर चर्चा हो रही है, हम आपको बताएंगे।

श्री थावरचंद गेहलोत : इनको पता नहीं है, इनके आका नेहरू जी और लाल बहादुर शास्त्री जी ने आर.एस.एस. का उपयोग किया था, जब पाकिस्तान से युद्ध हुआ था, उनको याद है न? जब आर.एस.एस. ने जम्मू कश्मीर में रसद पहुंचाने का काम किया था और इनके प्रधानमंत्रियों ने उनका उपयोग किया था। इन्हें कुछ पता नहीं है, ये कुछ भी बोल रहे हैं। उपाध्यक्ष महोदय, आप आसन से इनको निर्देश दीजिए। ये अनर्गल प्रलाप कर रहे हैं। अगर आर.एस.एस. पर चर्चा करवानी हो तो फिर वह करवा लीजिए। यह आर.एस.एस. पर चर्चा नहीं है, हमारा आपसे यह निवेदन है। â€¦ (व्यवधान)

MAJ. GEN. (RETD.) B. C. KHANDURI : Sir, he is making totally irrelevant statements. Why is he lowering this debate by making irrelevant statements? ...(*Interruptions*)

श्री पवन कुमार बंसल : आडवाणी जी ने अपनी बात कहने में काफी इतिहास का इस्तेमाल किया था। मैं भी इतिहास की ही कुछ बात कहना चाहता हूं और वही आपके सामने पढ़ रहा हूं। मैं सिर्फ इतनी ही एक दुआ करता हूं कि इनको इतनी सद्बुद्धि मिले कि जो बात पहले, अतीत में कही गई है और जिसे कोई दोहराना चाहता है, उसे इनको सुनने की शक्ति मिले। मैं कह रहा था कि गोपाल गोडसे ने यह कहा था Brother of Nathuram Godse and co-conspirator, in an interview to the Frontline in 1994 ...(*Interruptions*)

श्री थावरचंद गेहलोत : उपाध्यक्ष महोदय, यह नहीं चलेगा, यह विाय के अनुसार नहीं है।

â€¦ (व्यवधान)

श्री शिवराज सिंह चौहान (विदिशा) : उपाध्यक्ष महोदय, कोई सीमा भी होनी चाहिए।...(व्यवधान)

श्री थावरचंद गेहलोत : आप विाय पर आइये। आप आसन से निर्देश दीजिए, अगर वे विाय से सम्बन्धित बात कहेंगे तो हमारी समझ में आएगी।

MAJ. GEN. (RETD.) B. C. KHANDURI : Sir, it is a total bankruptcy of logic. No arguments. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Please sit down. I will ask him. Please sit down.

...(*Interruptions*)

श्री पवन कुमार बंसल : जब अभी पिछले चुनाव में रिजल्ट आया था तो एक वरिठ पत्रकार ने कहा था कि "The BJP and their alliance partners are bad losers." मैंने आगे कहने की जुर्रत की थी कि जो ग्रेस होता है, वह भी खो गया। It was intolerance ...(*Interruptions*)

मेजर जनरल (सेवानिवृत्त) भुवन चन्द्र खंडूडी : आप सबजैक्ट पर तो बोलें।â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: Shri Bansal, you should speak on the subject.

...(*Interruptions*)

MAJ. GEN. (RETD.) B. C. KHANDURI : Sir, he is the first speaker from the Congress Party. He is talking like this. ...(*Interruptions*)

श्री पवन कुमार बंसल : मुझे आपकी इस बात के बाद कहना पड़ा, मैं कहना नहीं चाह रहा था। एक कहावत है कि अरबा बोले ज्यूं का त्यूं, ससुरा कुनबा डूबा क्यूं। आज तक बेशक इनके कोन्क्लेव्स हो गये हैं, ये इसी चीज पर लगे हुए हैं कि क्या हो गया, क्या इसमें निकाल दें। पहले दिन सरकार को चलने नहीं देना, बात करते रहना है। अगर ऐसा ही रवैया है तो उसके लिए तो हम कुछ कहना नहीं चाहते।

MR. DEPUTY-SPEAKER: Shri Bansal, you should speak on the subject.

SHRI PAWAN KUMAR BANSAL: Sir, I was speaking on the subject and ...(*Interruptions*)

MR. DEPUTY-SPEAKER: You are not speaking on the subject.

SHRI PAWAN KUMAR BANSAL : Sir, I would seek your protection to be permitted to speak on the subject without interruptions. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Yes, you should speak on the subject.

SHRI PAWAN KUMAR BANSAL : I was referring to the statement, and, Sir, that is very much on the subject. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: When a person is not present in the House, you cannot make a mention of his name.

श्री पवन कुमार बंसल : आप किस चीज के बारे में कह रहे हैं। â€¦ (व्यवधान)

उपाध्यक्ष महोदय : जो आपने पहले कहा था।

...(व्यवधान)

SHRI PAWAN KUMAR BANSAL : Allegation of what?अब कौन-कौन से नाम किस वक्त आते हैं, मेरे ख्याल से मैं बहुत अदब के साथ कहता हूं। जो रूल है, शायद उसको आप आगे बढ़ाकर ले गये हैं। मेरे कहने का तात्पर्य यह था कि â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: I have already read the rule.

रेल मंत्री (श्री लालू प्रसाद) : जो इतिहास है, वह तो याद कराया जायेगा। â€¦ (व्यवधान)

श्री थावरचंद गेहलोत : हमने यही तो पूछा था कि â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: Please sit down.

SHRI PAWAN KUMAR BANSAL: He said, "All the brothers, who are in the RSS, you can say, grew up in the RSS rather than in their homes. It was like a family to us". Nathu Ram had become a बौद्धिक कार्यवाहक, that is, intellectual worker. " उनको जब याद कराया गया कि आडवाणी जी ने तो कहा था कि उनका आरएसएस से कोई नाता नहीं था। â€¦ (व्यवधान) He replied, it is cowardice to say that" .

SHRI BIKRAM KESHARI DEO (KALAHANDI): What does he want to say? Why is he beating about the bush?...(*Interruptions*) आप सीधा बोलिये कि आप क्या बोलना चाहते हैं। â€¦ (व्यवधान)

SHRI PAWAN KUMAR BANSAL : Sir, it is this intolerance, it is this arrogance that has given them the place there, and not really being able to reconcile to the situation, they went a step forward in telling those four gentlemen, the Governors, that they must not resign. Was it their function? It should have been left up to those people. When they found that a Government, not conductive to their thoughts, not sharing their views, not subscribing to their ideology, has taken the reins of the Government at the Centre, they could have gone back. They were goaded by these gentlemen to stay on and create a situation whereby this matter could be raised in the country. It was in this context that I have to refer to the RSS; I have to refer to the various situations when the RSS was banned in this country. After the first ban, Shri Shyama Prasad Mukherjee took up the matter with Sardar Patel. I will just quote it. Sardar Patel is not in the House. Shri Shyama Prasad Mukherjee is not in the House. Sir, you will permit me to say that. ...(*Interruptions*) Sardar Patel wrote to Shri Shyama Prasad Mukherjee on 6th May 1948 that Hindu Mahasabha members had "gloated over" the tragedy and distributed sweets. The same would apply to the RSS with the additional danger inherent in an organisation running secret on military or semi-military line. This is what was said about them.

As I said earlier, I have no conflict with RSS. Let them do what they want, and under the Constitution of India, the right of association is guaranteed. Our objection was, Sir, to people owing allegiance to that organisation called, RSS, occupying important positions. When they were in the Government, we could do nothing. It is the responsibility of the Government. If anything went wrong, we could have hauled up the Government on the floor of this House. What if those people were there? I respect them fully as individuals. What if those gentlemen were to be in the Governor houses? If something goes amiss in the country, who would reply on their behalf? It is the Congress Government. It is because of the UPA Government's responsibility, answerability to the people of the country through Parliament, the Congress has to see that Governors with RSS ideology do not occupy these Governors' houses. Today, there are also people owing allegiance to the BJP. They have not been touched. It is only in these four cases that action had to be taken.

It would have been exceptionally graceful if they had chosen to demit office on their own. If those gentlemen or the senior leaders on the BJP side had not advised them otherwise, things would not have come to such a pass. It was in this context that I had referred to Article 156 (3) and said that it is subject to clause (1) of Article 156, that the tenure is for five years.

There are recommendations of the Sarkaria Commission. There are recommendations of various other

Commissions. Where have we taken the opportunity or where have we discussed them in the past six years? We could have arrived at some mutually acceptable, universally acceptable proposition that this is how the role of the Governor should be guided. We have not done that. The BJP was in Government for six years and today when we take this action it is with full sense of responsibility that the Congress has done this. The fact remains that the Governor holds office at the pleasure of the President.

I would like to remind you of 1977. Nine Governments, duly elected by the people in their respective States, their terms still to continue for quite some time, were arbitrarily dismissed by the Government which had the BJP as a major constituent though we would not like to refer to that. सवाल क्यों उठा है? अगर आप उन बातों को भूलकर और बातों को आगे लाना चाहते हैं, तब यह सवाल उठता है। उस वक्त यही हुआ था। यही 1990 में हुआ था। All the Governors were asked to put in their papers and that Government was backed by Shri L.K. Advani in 1990. अब आप कहेंगे कि उस वक्त के लोग हमारे साथ थे। अगर उन्होंने समझा है कि आज इस ऐलायंस की जगह उस ऐलायंस की जरूरत है तो क्या आप उनको यह बात याद कराएंगे। देखने की बात यह है कि उन्होंने अपने विचार, अपना रवैया बदला है या नहीं या आप अपनी बात पर अड़ियल बने रहे हैं। इसी कारण मैंने यह कहा था --

अरबा बोले ज्यों का त्यों

सुसरा कुम्बा डूबा क्यों।

I am also reminded of someone saying, 'We learn to wear masks earlier on, masks that we change with such frequency that we are no longer able to recognise our own faces in the mirror.' यह हुआ आपके साथ। इसलिए जब हम यह बात कहते हैं कि गवर्नर्स का मुद्दा, गवर्नर्स की नियुक्ति कैसे हो, उनका कार्यकाल कितना हो, वे कैसे रहें, सही लगता है, बहुत बढ़िया लगता है। इन्हीं बातों से प्रेरित होकर श्रीमती इंदिरा गांधी ने उस वक्त सरकारिया कमीशन बनाया था। उन बातों पर बहस हो सकती है। जैसे इन्होंने कहा, हमारे गृह मंत्री भी बातों को करना चाहते हैं। लेकिन आज जो हालात पैदा हुए, उस हालात के मद्देनज़र क्या आज यह अनिवार्य नहीं था कि वे चार महापुरुा वहां न रहते और कहां से क्या बात हो गई? क्या उसकी धज्जियां उड़ गईं जो पहले संविधान की नहीं उड़ाई गईं? क्या कोई ऐसी डम प्रोप्रॉयटी हो गई जिसका जिक्र किया गया कि पता नहीं उसके बाद इस सरकार ने अपनी शुरुआत कैसे की।

अगर आप इजाजत दें, मैं फिर उसी बात का जिक्र करना चाहता हूं कि अलग-अलग समय में एक नहीं कई ज्यूडीशियल कमिशन्स ने आरएसएस के बारे में क्या टिप्पणी की है। आरएसएस के साथ उनका ताल्लुक है और इस कारण वह टिप्पणी सामने आ जाती है। यह बात भी नहीं भूलनी होगी कि आर्टिकल 156 (1) और (3) का जिक्र, 1982 में एक बार सवाल उठा था। आपने आज अपने एक एमपी से सुप्रीम कोर्ट में केस डलवा दिया। इंतजार करते जैसे राधाकृणन जी ने कहा। इंतजार करते कि सुप्रीम कोर्ट क्या फैसला देता है। लेकिन 1982 में राजस्थान हाई कोर्ट ने कहा कि यह सिर्फ राट्रपति का प्रैरोगेटिव है and it is non-justiciable. इस पर आप कोई केस नहीं कर सकते, कचहरी से फैसला नहीं मांग सकते। मैं मानता हूं कि वह हाई कोर्ट का फैसला था, सुप्रीम कोर्ट कुछ और कह दे। सुप्रीम कोर्ट जो फैसला देगा, उसे हम सभी मानेंगे। आप सुप्रीम कोर्ट गए। वहां से कोई इंटरिम फैसला आपके हक में नहीं हुआ तो आप उसको फिर मुद्दा बनाए रखते हैं। आज से दो महीने पहले तक कितनी बार बात उठी कि सब-जूडिस मैटर है, हम इस पर नहीं बोल सकते। जब हम उधर से बोलना चाहते थे। हमने वह नहीं कहा। इस पर बहस कीजिए ।लेकिन आज खुदा के वास्ते इस बात को इतना मत भड़काइए क्योंकि इसके बीच में नहीं जब आप बात को उठाएंगे तो फिर खोखलापन ही नजर आएगा कि अगर सही मायने में कोआपरेटिव फैडरेलिज्म के हिसाब से सरकार को देश का संचालन करना है। देश जिसमें इतनी भिन्नता है, उस अनेकता में एकता लानी है। वह यह जो मैंने पहले पढ़ा जिस पर एतराज किया गया। उस विचारधारा के साथ नहीं हो सकता। वह हो सकता है अगर आप आगे बढ़ें और उस विचारधारा के लोग इधर हैं। I am not gloating over that. मैं यह नहीं कहता कि हम उसको ज्यादा कर सकते हैं लेकिन अगर जिम्मेदारी लोगों ने आज आपका 6 वां का काम देखकर डाली है, इनकी जवाबदेही कल को बहुत बातों पर होगी। जवाबदेही के लिए सरकार की जिम्मेदारी थी कि जो कदम इन्होंने उठाया, वह उठाना चाहिए था। उसमें कोई गलती नहीं है और मैं सिर्फ यही कहते हुए कि जैसा आज कानून है, जैसा आज संविधान है, उसके तहत यह सरकार की जिम्मेदारी होती है। I would not use the word `agent', as it is wrongly understood. But he, the Governor, is the representative of the Centre. So, there is no denying the fact. समय-समय पर ऐसा किया होगा। अगर ऐसा है तो यह बबाल किस बात पर ? किस बात पर कि यह उन्होंने क्या कर दिया ? हम यह नही कह रहे हैं कि हमने किसी गवर्नर को हाथ लगाया है क्योंकि वह भारतीय जनता पार्टी और एनडीए की सरकार ने बनाया था जब वह उनके सदस्य रहे हैं। पहले तो जैसा मैंने अभी कहा कि सिर्फ कांग्रेस के सदस्य ही नहीं, top bureaucrats were removed from their positions in the Governor's House because they were appointees of the Congress Government. यह अन्तर दोनों में है और यह अंतर हम बनाकर रखना चाहेंगे। मुझे अधिकार तो नहीं है लेकिन अपनी पार्टी की तरफ से जरूर कह सकता हूं कि हम इन चीजों की सटलटीज को समझते हैं। We have worked the Constitution for a much longer period than they have and, therefore, we know what is inherent in the Constitution. Who were the people who formulated this Constitution? What are the sentiments of the Constitution? Those lofty principles the Congress stands by and Congress will always stand by.

मोहम्मद सलीम (कलकत्ता-उत्तर पूर्व) : उपाध्यक्ष जी, श्री लाल कृण आडवाणी जी, नेता विपक्ष ने इस डिसकशन को इनिशिएट करते हुए इसके दायरे को महदूद जगह पर काफी वसी किया है और इसमें मैं उनका धन्यवाद करता हूं। उन्होंने सिर्फ रिमूवल ऑफ गवर्नर्स की बात नहीं, अपॉइंटमेंट ऑफ गवर्नर्स की बात और कांस्टीट्यूएंट असैम्बली की डिबेट से वहां से चलकर सरकारिया कमीशन से होकर आखिर में आकर अपने 6 साल का जो वक्त है, वहां उन्होंने किस तरह से काम किया, उस बारे में उन्होंने कहा। मैं बंसल जी की बात को दोहराना नहीं चाहता कि सलैक्टिव डीमेंशिया। जहां-जहां उनको जरूरत थी, वहां-वहां से उठा लिया और बाकी को छोड़ दिया। दायरा चूंकि बहुत बड़ा हो चुका है, मैं उस दायरे में नहीं जाऊंगा क्योंकि शॉर्ट ड्यूरेशन डिसकशन में, रूल 193 में यह सवाल था कि रिमूवल ऑफ गवर्नर्स और फिर आइडियॉलॉजी का सवाल है, सरकारिया कमीशन के बारे में बहुत ज्यादा बहस नहीं करूंगा। पूर्व प्रधान मंत्री आदरणीय वाजपेयी जी की सरकार जब 1998 में आई, सरकारिया कमीशन की बात आज आडवाणी जी कह रहे हैं। 1993 में 24 मार्च को जो रिपोर्ट दाखिल की और फिर उसके 15 साल बाद 25 मार्च को 1998 में राट्रपति जी के अभिभाण, एन.डी.ए. सरकार की कथनी कि क्या वह करने जा रहे है, पैरा 25 को मैं कोट करूंगा।

"My Government will immediately act on the Sarkaria Commission's recommendations. "

उसके बाद दूसरी बात गवर्नर के बारे में है -

"The Governor's Office has often been the centre of unseemly controversy. *Raj Bhawan* will not be used

for securing political objectives "

पैरा 25 में ही है, फिर 1998 जहां चले थे, वह छोड़ दिया। कथनी और करनी में इतना फर्क है। आज सरकारिया आयोग की बात याद आ रही है। वह भी इसलिए याद आ रही है कि 1990 में वी.पी. सिंह के समय में इंटर स्टेट कौंसिल बनी थी, तो समझ लिया गया कि सरकारिया आयोग की रिपोर्ट लागू हो गई। उसमें तो कई बातें थी, वे क्यों नहीं मानी गईं, फिर भी अगर वह लागू हो गया तो 1998 में आपका यह कहना कि इसको तत्काल लागू करने की कोशिश करेंगे, लेकिन उसके बाद आपने कोई कदम नहीं उठाया। जहां तक मार्क्सवादी कम्युनिस्ट पार्टी की बात है, हम शुरू से ही यह बात कह रहे हैं।

आडवाणी जी ने संघीय ढांचे के बारे में, फैडरल स्ट्रक्चर के बारे में कहा कि कहां तक हमारा संविधान यूनीटरी होगा, कहां तक उसमें फैडरल मामला ज्यादा रहेगा। लेकिन मैं उस बहस में नहीं जाना चाहता, वह मामला ही नहीं है। लेकिन उसके बाद 1998 में ही जो पहले की सरकारों द्वारा राज्यपाल बनाए गए थे, उनके साथ छेड़खानी शुरू हो गई। दोबारा टेन्योर नहीं दिया जा सकता, ट्रांसफर करना पड़ेगा, रिमूवल होना चाहिए, रेजीग्नेशन होना चाहिए। कई तरह की बातें कही गई थीं। इसलिए कभी-कभार आइने के सामने भी खड़ा होना चाहिए।

आपने संविधान सभा की डिबेट की बात कही, जबकि एनडीए की सरकार इस संविधान को ही मानने के लिए तैयार नहीं थी। एक नेशनल कमीशन फार दि रिव्यू आफ कांस्टीट्यूशन बनाया गया। उसको वे भूल गए। सिविल कोड की याद दिलाई। आपका ही बनाया हुआ कमीशन था। संविधान सभा, सरकारिया आयोग सब नाकाफी थे इसलिए वैंकटचलैया आयोग बनाया गया। आज वे इस बहस में हिस्सा ले रहे हैं, इनीशिएट कर रहे हैं, तो वहां से चल रहे हैं। अच्छा हुआ यह नहीं कहा कि संविधान सभा की डिबेट में तिरू अलादि के. अय्यर ने कहा था, सब कमेटी की रिपोर्ट थी कि गवर्नर एलेक्टेड होना चाहिए। बाद में पंडित जी ने और अम्बेडकर जी ने कहा कि नहीं इलेक्टेड नहीं होना चाहिए। आज इसलिए यह कहा जा रहा है कि आइडियोलॉजी का मामला है, उसको छिपाने जा रहे थे। इसलिए डिबेट वहां चली गई।

उपाध्यक्ष जी, मैं अपनी बात पर आना चाहता हूं। मैं इसलिए कह रहा हूं कि बहस को इस तरह से उठाया गया जैसे राजनीति से परे होकर काम करते हैं। राजनीति से परे होकर दिल्ली में कोई मुख्य मंत्री बन सकता है, मल्होत्रा जी नहीं है, साहिब सिंह जी खुराना जी बने, केदारनाथ साहनी जी भी बन सकते थे, लेकिन उनको नहीं बनाया और सिक्किम का राज्यपाल बना कर भेज दिया। बंसल जी ने सरकारिया आयोग की रिपोर्ट के बारे में ठीक कहा। मैं नटशैल में कहता हूं कि इंटर स्टेट कौंसिल को नहीं माना, लेकिन सरकारिया आयोग की सिफारिश में यह कहा गया है कि

"He should be eminent in some walk of life; he should be a person from outside the State; he should be a detached figureâ€¦."

'detached' − Babu Parmanandji is â€¦

"â€¦and not too intimately connected with the local politics of the State and he should be one who has not taken too great a part in politics generally and particularly in the recent past."

अगर ब्यूरोक्रेट्स को, लीगल लुमीनरीज को, हाई कोर्ट के जज को भी बनाएं, तो इनकी पास्ट परफार्मेंस देखें, न कि रीसेंट परफार्मेंस देखें, अगर अयोध्या कांड के कांटेक्स्ट में हैâ€¦(व्यवधान) मैं इनकी तरफ जा रहा हूं, आप धैर्य रखें।â€¦(व्यवधान) लगता है इनको अच्छी बात सुनने की आदत नहीं है।â€¦(व्यवधान) उपाध्यक्ष महोदय, मैं आपका संरक्षण चाहता हूं।

उपाध्यक्ष महोदय : आप बैठ जाएं। कृपया इनको कम्प्लीट करने दें।

श्री रामदास बंडु आठवले (पंढरपुर) : आडवाणी जी और अटल जी चले गए।

MR. DEPUTY-SPEAKER : Have you got any point of order?

...(*Interruptions*)

MR. DEPUTY-SPEAKER : If you have any point of order, please mention it; otherwise please take your seat.

श्री रामदास बंडु आठवले : जिन्होंने राज्यपाल बनाए, वे लोग ही चले गए, सत्ता से बाहर हो गए, तो उनको भी रखना अच्छी बात नहीं है।

MR. DEPUTY-SPEAKER : This will not be recorded.

(Interruptions) *

MR. DEPUTY-SPEAKER : Please sit down.

मोहम्मद सलीम : मामला सिर्फ राजनैतिक नियुक्ति का नहीं है। जो सवाल यहां उठाया गया, अगर आप विाय पर ही रहेंगे तो विाय यह है कि "Shri L.K. Advani to raise a discussion regarding removal of Governors of four States on the basis of their ideology." यहां गृह मंत्री जी आइडियोलॉजी लेकर ज्यादा बहस न हो इस पर जोर दे रहे थे लेकिन मामले की आइडियोलॉजी है। जहां तक वामपंथ के लोगों का सवाल है, इस देश के लोगों ने उनको जनादेश दिया है कि इस देश में संघ-परिवार की राजनीति नहीं चलेगी।â€¦(व्यवधान)इसलिए इनकी जहां-जहां घुसपैठ हुई है वहां-वहां से इनको हटाना पड़ेगा।

मेजर जनरल (सेवानिवृत्त) भुवन चन्द्र खंडूडी : ...(व्यवधान)... (कार्यवाही वृत्तान्त में सम्मिलित नहीं किया गया।)

उपाध्यक्ष महोदय : इनका वर्सन रिकार्ड में नहीं जाएगा।

...(व्यवधान)... *

* Not Recorded.

मोहम्मद सलीम : सिर्फ राजभवन में ही नहीं जहां-जहां इस प्रकार की घुसपैठ हुई है चाहे शिक्षा में, चाहे शोध-संस्थानों में, चाहे सवैधानिक संस्थाओं में, जहां-जहां इस प्रकार की घुसपैठ हुई हैâ€¦ (व्यवधान)

उपाध्यक्ष महोदय : वही रिकार्ड किया जाए जो मेरी पर्मिशन से बोले।

...(व्यवधान).. *

मोहम्मद सलीम : इस देश के संघीय ढांचे को बचाकर रखना होगा। अगर राजभवन में ऐसे लोग बैठे रहेंगे जो दिल्ली सरकार से नहीं नागपुर से हिदायत लेंगे तो हम कैसे बर्दाश्त करेंगे।â€¦ (व्यवधान)

MAJ. GEN. (RETD.) B. C. KHANDURI : *(Interruptions)* *

MR. DEPUTY-SPEAKER: That is not to be recorded.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Please address the Chair.

...(*Interruptions*)

मोहम्मद सलीम : खंडूरी जी, आप अपनी गेम खेल चुके हैं, लोगों ने आपसे पैवेलियन वापस जाने के लिए कह दिया है।â€¦ (व्यवधान)इस देश के संघीय ढांचे को, इस देश की एकता को अगर खबरकरार रखना है, संवैधानिक दृटि से अगर शासन का परिचालन करना है तो जो लोग संविधान को नहीं मानते हैं, संविधान के मूलभूत आधार को नहीं मानते हैं और जो खुलेआम कहते हैं कि â€¦ (व्यवधान)

श्री सुशील कुमार मोदी (भागलपुर) : इटली से बढ़िया तो नागपुर से संदेश लेना है।â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: Please sit down.

(Interruptions) *

MR. DEPUTY-SPEAKER: That is not to be recorded.

मोहम्मद सलीम : राज्यपाल कानून का पालन करेंगे, वे सरकार के पास रिपोर्ट भेजेंगे। गुजरात में जब नस्लकुशी हो रही थी, उस समय राज्यपाल की जो जिम्मेदारी थी, वह उन्होंने नहीं निभाई, अपना काम उन्होंने नहीं किया। राजभवन में संघ परिवार के लोग बैठे रहेंगे तो वही स्थिति होगी, बाद में पछताने से कुछ नहीं होगा*â€¦ (व्यवधान)

उपाध्यक्ष महोदय : आप का साथी बोल रहा है और आप डिस्टर्ब कर रहे हैं।

* Not Recorded.

मोहम्मद सलीम : जनता ने इम्फैटिकली कहा that we do not endorse. इस सरकार को जनादेश भी मिला कि आप जनता के जनादेश के अनुसार काम कीजिए। नहीं करेंगे तो आप जनता की राय को नहीं मान रहे हैं।

यही कारण है, ऐसे बहुत से मामले हैं, मैं इनको भी कहूंगा कि राजभवन को राजनीति के शार्टटर्म गेन के लिए इस्तेमाल करने से बहुत ज्यादा कुछ फायदा नहीं होगा। बाबू परमानन्द जी, जो हरियाणा के गवर्नर थे, ने वाजपेयी जी के नाम से वोट मांगे। आप मर्यादा की बात कह रहे है, आप संविधान की मर्यादी की बात कह रहे हैं, राजभवन की मर्यादा की बात कह रहे हैं। 15 अप्रैल को श्रीअम्बेडकर जयन्ती के अवसर पर कहा कि वाजपेयी जी को वोट डालना। ...*

उपाध्यक्ष महोदय, हमारे गांव में एक कहावत है â€¦ (व्यवधान)

उपाध्यक्ष महोदय : यह शब्द एक्सपंज कर दें।

MAJ. GEN. (RETD.) B. C. KHANDURI : Sir, the hon. Speaker in his ruling given today in the morning has stated that : "You should not make an allegation against persons who are not in a position to defend themselves on the floor of the House." ...(*Interruptions*) You should not do it. ...(*Interruptions*)

मोहम्मद सलीम : महोदय, समय की कमी थी। आडवाणी जी ने बहुत के कोटेशन्स दिए हैं। मैं बाबू परमानन्दजी जी, जो हरियाणा के गवर्नर रह चुके हैं, उनके भाष ाण को कोट कर रहा हूं। उन्होंने 15 तारीख को श्रीअम्बेडकर जयन्ती के अवसर जो भााण दिया, उन्हीं के कुछ सुनहरे शब्दों को मैं कोट कर रहा हूं - """"अमन से ि वकास होता है ..... """" â€¦ (व्यवधान)

MAJ. GEN. (RETD.) B. C. KHANDURI : Mr. Deputy Speaker, Sir, is it all right? ...(*Interruptions*) Sir, will he authenticate it? ...(*Interruptions*) Will he authenticate and put it on the table that this is the actual statement made by Shri Babu Parmanand?

SHRI N.N. KRISHNADAS (PALGHAT): Sir, it is very much on record. It is available in the library. ...(*Interruptions*)

SHRI BASU DEB ACHARIA : It is a public document.

MAJ. GEN. (RETD.) B. C. KHANDURI : It is a newspaper report.

* Expunged as ordered by the Chair.

SHRI N.N. KRISHNADAS : It is there on record. It is readily available in the library. ...(*Interruptions*)

SHRI KHARABELA SWAIN : Shri Md. Salim, are you quoting from a newspaper or were you present there? ...(*Interruptions*)

MD. SALIM : Sir, I seek your protection. ...(*Interruptions*)

SHRI KHARABELA SWAIN : Sir, was he present there or is he quoting from a newspaper article? ...(*Interruptions*)

मोहम्मद सलीम : महोदय, रिवाड़ी, हरियाणा में दलित समाज में अम्बेडकर जयन्ती के अवसर पर राज्यपाल महोदय ने जो कहा है, मै उसको कोट कर रहा हूंâ€¦ (व्यवधान)दो लाइनें है, सुन लीजिए। â€¦ (व्यवधान)

मेजर जनरल (सेवानिवृत्त) भुवन चन्द्र खंडूडी : अगर वे उसको ऑथैंटिकेट करते हैं, तो टेबल पर रख सकते हैं। â€¦ (व्यवधान)

मोहम्मद सलीम : बात थोड़ी सुननी पड़ती है और सुनने की आदत होनी चाहिए।

MR. DEPUTY-SPEAKER: Shri Md. Salim, you are taking too much time.

SHRI BASU DEB ACHARIA : Sir, they have taken all his time. ...(*Interruptions*)

MD. SALIM : Shri Ramdas Athawale, please allow me to speak. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Nothing will go on record except what Shri Md. Salim says.

(Interruptions) *

मोहम्मद सलीम : हमारे गांव में एक कहावत है, जिसका एक कान कटा हुआ होता हैâ€¦ (व्यवधान)

श्री रामदास बंडु आठवले : उपाध्यक्ष महोदय, आरएसएस के लोग तो बात को सुनते हैं। आपकी बातों से लगता है कि आप आरएसएस के नहीं है।â€¦ (व्यवधान)

उपाध्यक्ष महोदय : श्री आठवले जी, आप बैठिए।

...(व्यवधान)

* Not Recorded.

मोहम्मद सलीम : उपाध्यक्ष महोदय, हमारे गांव में एक कहावत है - जिसका बायां कान कटा हुआ होता है, वह गांव से दाहिनी तरफ से जाता है और जिसका दायां कान कटा हुआ होता है, वह गांव से बायीं तरफ से जाता है और जिसके दोनों कान कटे हुए होते हैं, वह गांव के बीच में से जाता है। â€¦ (व्यवधान)आप सुनने के लिए भी तैयार नहीं है और देखने के लिए भी तैयार नहीं हैâ€¦ (व्यवधान)

उपाध्यक्ष महोदय : आपके पास चार मिनट का समय है।

...(व्यवधान)

MR. DEPUTY-SPEAKER: Please sit down.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Please let him conclude his speech.

...(*Interruptions*)

श्री धर्मेन्द्र प्रधान (देवगढ) : पश्चिम बंगाल में गरीब लोगों की बात सुनते हैं? पश्चिम बंगाल में जबरदस्ती करते हो â€¦ (व्यवधान)

मोहम्मद सलीम : महोदय, सदन की अपनी मर्यादा होती है। सदन में गवर्नर्स के विाय पर चर्चा हो रही है। पश्चिम बंगाल के गवर्नर भारतीय जनता पार्टी के वाइस प्रैजीडेंट थे, हमारी कोई आपत्ति नहीं है। अगर वे गर्व से यह कहें कि संघ परिवार के सदस्य हैं, तो दूसरे दिन हम कहेंगे कि हमें ऐसे गवर्नर नहीं चाहिए। हमारी भाजपा से कोई आपत्ति नहीं है। आपत्ति उनसे हैं, जो लोकतन्त्र को नहीं मानेंगे, लोकतान्त्रिक प्रक्रिया को नहीं मानेंगे, धर्म-निरपेक्षता को नहीं मानेंगे, संविधान को नहीं मानेंगे और जो परम्परायें हमने बनाई हैं, उनको हटाना चाहते हैं। ऐसे व्यक्तियों को हम संवैधानिक जिम्मेदारी नहीं दे सकते हैं। â€¦ (व्यवधान)

श्री खारबेल स्वाईं : हम बोलते हैं, हम संघ परिवार से हैं, क्या आप हमारी सदस्यता खत्म कर देंगे?â€¦ (व्यवधान)

मोहम्मद सलीम : मैं लोकतंत्र को मानता हूं। आप लोकतांत्रिक तरीके से जीत कर आए हैं। आपको पूरा हक है। â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: Mr. Salim, please address the Chair.

मोहम्मद सलीम : आप में इतनी हिम्मत नहीं है कि आप संघ परिवार के नाम से वोट मांग सकें। â€¦ (व्यवधान) I challenge them.â€¦ (व्यवधान)हम कम्युनिस्ट हैं। हमें कम्युनिस्ट होने में कोई शर्म नहीं है। हम कम्युनिस्ट पार्टी के नाम से वोट मांगते हैं। â€¦ (व्यवधान)आपको शर्म है इसलिए सब चीजें झोली में छुपा कर रखते हैं और आरएसएस के नाम से वोट नहीं मांगते हैं। â€¦ (व्यवधान)क्या अभी भी आपको पछतावा नहीं है? रेणुका जी, हम चाहेंगे कि 5-10 करके इनको मनाली भेज दीजिए क्योंकि वहां सच्चाई मालूम हो जाती है। यह बात और है कि वापस आने से सब भूल जाते हैं। â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: Please sit down.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: Mr. Salim, you are requested to address the Chair and not anybody else. आपका समय बहुत हो गया है।

...(*Interruptions*)

SHRI N.N. KRISHNADAS : Why are they indulging in these type of interruptions? Why are they interrupting him like this?

SHRI BASU DEB ACHARIA : They have taken away most of his time.

मोहम्मद सलीम : सरकारिया कमीशन ने भी यह बात कही है। आडवाणी जी ने उसे कोट किया। हम नॉर्मली उन्हें हटा नहीं सकते हैं। उनका टैन्योर पूरा होना चाहिए लेकिन सरकारिया कमीशन यह भी कह रहा है कि

"except very rarely and that too for some extremely compelling reason. "

इसका प्रावधान किया है यदि आप सरकारिया कमीशन को मानते हैं। यह ऐसी स्थिति है। हम भी यह चाहते हैं कि गवर्नर का जल्दी तबादला नहीं होना चाहिए लेकिन जब ऐसी स्थिति आए कि देश बड़ा कि संघ बड़ा तो हम देश के पक्ष में हैं। संविधान बड़ा है या नागपुर बड़ा है तो हम संविधान के पक्ष में हैं। â€¦ (व्यवधान)

इन्होंने कहा कि ऐसी स्थिति में हम जनता के पास जाएंगे और आन्दोलन करेंगे। मैं इन सारे सवालों को लेकर चैलेंज करता हूं। यदि आपके पास हिम्मत है तो जनता के बीच जाइए। आपको पता चल जाएगा कि वह संघ परिवार के गवर्नर के पक्ष में रहती है या नहीं?

प्रो. राम गोपाल यादव (सम्भल) : श्रीमन्, आपने मुझे इस चर्चा में बोलने का अवसर प्रदान किया, इसके लिए आपको बहुत-बहुत धन्यवाद। राज्यपाल का पद, उसकी नियुक्ति और रिमूवल दोनों संविधान के निर्माण से लेकर अब तक विवाद के बिन्दु रहे चाहे संविधान सभा में नियुक्ति और उसके टैन्योर या रिमूवल की बात रही या उसके बाद की, हमेशा विवाद रहा, एक आशंका संविधान निर्माताओं को थी कि इस पद पर बैठा व्यक्ति दिक्कत पैदा कर सकता है। केन्द्र सरकार को तब एक्शन लेना होगा जब केन्द्र और राज्य में अलग-अलग दलों की सरकारें हों। पहली बार 1960 में जब नॉन कांग्रेस गवर्नमैंट केरल में थी श्री ई.एम.एस. नम्बूदरीपाद का जब डिसमिसल हुआ तब से लेकर अब तक राज्य में जो बैठे होते है, उनको यह आशंका होती है कि दिल्ली के लोग दूसरे तरीके से व्यवहार करेंगे। और दिल्ली में जो आ जाते हैं उन्हें लगता है कि राज्यपाल उनके हिसाब से काम करें। कई बार ऐसा हो सकता है क्योंकि वह राट्रपति का प्रतिनिधि होने के नाते जब हम कहते हैं कि वह केन्द्र सरकार का ही एक प्रतिनिधि है, इसलिये समन्वय की आवश्यकता होती है। इस संदर्भ में चाहे 1977 के बाद का मसला हो या आज का हो, आप जानते हैं कि 1977 के बाद एंब्लाक उत्तर भारत में सभी राज्यपालों को हटाया गया और तर्क यह दिया गया कि सम्पूर्ण उत्तर भारत में कांग्रेस सरकार एक सीट को छोड़कर सारी सीटें हार गई थी, इसलिये जनादेश उनके साथ नहीं है। अगर वहां विधान सभा को भंग करके नये चुनाव कराने हैं तो गवर्नर ऐसा होना चाहिये जो केन्द्र सरकार की इच्छानुसार काम करे। यह स्वाभाविक सी बात है, इसे अदरवाइज़ लेने की जरूरत नहीं है। मैं नहीं समझता कि इस बिन्दु पर श्री अटल जी या श्री आडवाणी को यह मामला उठाना चाहिये था। यह सच है कि उनके 6 साल के शासन के दौरान किसी गवर्नर को नहीं हटाया गया लेकिन यह भी सच है कि धारा 356 का प्रयोग करके बिहार सरकार को हटाने की कोशिश की गई। इसलिये गवर्नर एक इंस्ट्रूमेंट के रूप में यूज़ किये जाते रहे हैं। लेकिन राज्य सभा में एन.डी.ए. सरकार का बहुमत न होने के कारण बिहार सरकार को बहाल करना पड़ा।â€¦ (व्यवधान)

श्री लालू प्रसाद : लेकिन बाद में नीयत बदल जाती है।

उपाध्यक्ष महोदय : लालू जी , आप एक जिम्मेदार व्यक्ति हैं, मोस्ट रैस्पैक्टेबल हैं। नो रनिंग कमेंटरी।

प्रो. राम गोपाल यादव : यह कोई ऐसा मुद्दा नहीं था। ऐसा लगातार होता रहा है। इसमें कोई आपत्ति की बात नहीं थी। श्री आडवाणी जी ने आपत्तिजनक बात यह उठायी कि गृह मंत्री जी ने कहा कि आइडियोलौजी की वजह से गवर्नर हटाये गये। जब केन्द्र सरकार का गवर्नर प्रतिनिधि है तो यह अपेक्षा की जाती है कि केन्द्र सरकार और गवर्नर के बीच में समन्वय हो लेकिन केन्द्र सरकार को यह भी देखना पड़ेगा कि वह जनहित में काम करे, राज्य के हित में काम करे न कि किसी दल हित के लिये काम करे। वह राज्य हित में काम कर रहा है या नहीं, केन्द्र सरकार के साथ समन्वय बना है या नहीं, इस बात को देखने की आवश्यकता है।

उपाध्यक्ष महोदय, सरकारिया कमीशन का जिक्र किया गया। सरकारिया कमीशन ने बहुत सारी बातें कही हैं जिनसे सहमत भी हुआ जा सकता है और नहीं भी हुआ जा सकता। इंटर स्टेट कौंउसिल ने जो कहा, मैं उससे सहमत हूं। सरकारिया कमीशन की रिपोर्ट में कहा गया है कि राज्यपाल कोई राजनैतिक व्यक्ति नहीं होना चाहिये, मैं कभी भी इस बात से अहसमत नहीं हूं। केवल जिन्दगीभर नौकरी करके जनता के बीच में न रहकर यदि ब्यूरोक्रेट आयेगा, रिटायर होने के बाद सभी राज्यपाल बन जायेंगे, पौलिटकल लोग सारे बेईमान हैं जो सभी गड़बड़ियां करते हैं, इस सिद्धान्त से मैं कभी भी सहमत नहीं हो सकता, न मेरी पार्टी हो सकती है, न कभी हुई है और न कभी होगी।

उपाध्यक्ष जी, जहां तक धारा 356 का सवाल है, मैं उससे इसलिये सहमत हूं कि यह संविधान का अभिन्न अंग रहना चाहिये। इतना बड़ा देश है, कभी भी ऐसी स्थिति हो सकती है। डा. अम्बेडकर साहब ने कहा था कि इस देश की ज़मीन अलोकतांत्रिक है। इसकी नींव ऐसी हो कि जिसने बालू पर महल खड़ा कर दिया, अगर रैस्ट्रिक्शन्स नहीं होंगी तो दिक्कतें हो सकती हैं, कभी भी यह व्यवस्था टूट सकती है। इसलिये संविधान में यह प्रोवीजन रखा गया जिसकी जरूरत है। इसलिये चाहे

धारा 352 हो या धारा 356 हो, इनकी जरूरत है। लेकिन इसमें संयम की भी जरूरत है, चाहे गवर्नर हो, चाहे केन्द्र सरकार हो। हम देख चुके हैं और यह नहीं कहेंगे कि इसमें राजनीति होती है बल्कि एक कठोर शब्द है जिसे अदरवाइज़ न लिया जाये तो मैं कहूंगा कि आज राजभवन राज्य सरकारों के खिलाफ अड्डे बने हुये हैं। अतीत इस बात का गवाह है। इसलिये मैं कहता हूं कि गवर्नर और केन्द्र सरकार में समन्वय की जरूरत है क्योंकि वह उसका प्रतिनिधि है। वह औब्ज़र्वर होता है जो यह देखता है कि राज्य में ठीक प्रकार से काम हो रहा है या नहीं ?लेकिन राजनीतिक स्वार्थ के लिए अगर गवर्नर का प्रयोग होता है या उस दृटि से उसका अपाइंटमैन्ट होता है तो यह किसी के लिए चिंता की बात हो सकती है। इसलिए यह जो एक बात है कि गवर्नर्स की नियुक्ति जब हो तो राज्य के मुख्य मंत्रियों से कंसल्टेशन होना चाहिए, यह आवश्यक होता है। अतीत में भी कई बार ऐसा हुआ है और ऐसा होना चाहिए। क्योंकि ये जो तर्क हैं, चाहे सरकारिया कमीशन का तर्क हो, चाहे इधर से दिया जाए या उधर से दिया जाए, वह सब पर लागू होता है, इसलिए उसका कोई औचित्य नहीं है। अगर कोई कहे राजनीतिक व्यक्ति नहीं होना चाहिए तो वह भी गलत बात है, राजनीतिक व्यक्तियों को इन्होंने भी अपाइंट किया है और यह भी अपाइंट कर रहे हैं। जो आर.एस.एस. की बात है, जो आइडियोलोजी की बात है, वह स्वाभाविक रूप से थोड़ी चिंता की बात है। जब गुजरात में यह सब हो रहा था तो गुजरात के गवर्नर को केन्द्र सरकार को रिपोर्ट भेजनी चाहिए थी। गुजरात के गवर्नर का जो दायित्व और कर्तव्य था, उसका उन्होंने पालन नहीं किया। अगर वह निपक्ष और धर्मनिरपेक्ष आइडियोलोजी से जुड़े हुए व्यक्ति होते तो ऐसा नहीं हो सकता था। यह कोई भी आदमी देश में मानने को तैयार नहीं है। इसलिए अगर इस रेफरेंस में कहा है तो उसे बहुत लम्बा ले जाने की आवश्यकता नहीं है। आडवाणी जी इसे अदरवाइज लेने की जरूरत नहीं है। आप भी सहमत होंगे, जो गुजरात में हुआ, उसकी कभी किसी ने कल्पना भी नहीं की थी और कोई उसकी कल्पना कर भी नहीं सकता था कि आजाद हिन्दुस्तान में एक पूरे वर्ग को राज्य के संरक्षण में, राज्य सरकार के निर्देश में हजारों लोगों की हत्याएं कर दी जाए, सामूहिक रूप से लोगों को जला दिया जाए और केन्द्र के प्रतिनिधि के रूप में जो गवर्नर वहां हैं, वह एक लाइन भी न लिखे, अगर लिखी होगी तो यह लोग जानते होंगे, फिर उस पर कार्रवाई होनी चाहिए, जो नहीं हुई। इस रेफरेंस में हो सकता है माननीय गृह मंत्री जी ने यह बात कही हो और वह जरूरी भी है, क्योंकि इस देश में विभिन्नताएं हैं और विभिन्नताओं में एकता का प्रयास है। अगर ये चीजें ज्यादा चलने लगेंगी, फैलने लगेंगी तो देश की एकता और अखंडता को खतरा पैदा हो सकता है।

उपाध्यक्ष महोदय, संविधान की प्रस्तावना में पहले ही सैन्टैन्स में लिखा हुआ है - WE , THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLICâ€¦" संविधान की प्रस्तावना जो सबसे महत्वपूर्ण चीज है, पूरे संविधान के किसी भी आर्टिकल से ज्यादा महत्वपूर्ण है उसका प्रीएम्बल, उस प्रीएम्बल में पहले ही वाक्य में सारे देश की जनता की तरफ से जब संविधान को इनेक्ट और समर्पित करने की बात कही जाती है।â€¦ (व्यवधान)

श्री सुशील कुमार मोदी : सर, मेरा प्वाइंट ऑफ ऑर्डर है।

MR. DEPUTY-SPEAKER: Under what rule?

...(*Interruptions*)

श्री सुशील कुमार मोदी : इन्होंने कहा कि जिस समय दंगा हुआ, उस समय श्री कैलाशपति मिश्र राज्यपाल थे, उस समय श्री मिश्र राज्यपाल नहीं थे, बल्कि वहां भंडारी जी राज्यपाल थे।â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: There is no point of order. Please take your seat, Modi ji.

...(*Interruptions*)

प्रो. राम गोपाल यादव : मैं किसी गवर्नर का नाम नहीं ले रहा हूं। मैं कह रहा हूं कि उस पद पर बैठे हुए व्यक्ति, मैंने कोई नाम नहीं लिया और न मैं कोई नाम लूंगा। मैंने ऐसा नहीं कहा है, मोदी जी, आपने सुना ही नहीं है, मैंने कोई नाम नहीं लिया है। मैं जाने-अनजाने भी नाम नहीं लेता।

श्री लालू प्रसाद :यह मिश्रा जी के बहुत नजदीक हैं।

प्रो. राम गोपाल यादव : यह आपसी मामला है, बिहार के ही सब लोग हैं, मैं नहीं जानना चाहता।

उपाध्यक्ष महोदय : यादव जी, आप समाप्त कीजिए।

प्रो. राम गोपाल यादव : प्रीएम्बल में जब सोशलिस्ट और सेक्युलर शब्द का प्रयोग हुआ है तो क्या यह सबका कर्तव्य नहीं है कि इस आइडियोलोजी से सहमत हों। क्या आप अपने को सोशलिस्ट और सेक्युलर मानने को तैयार हैं। सेक्युलर तो कह सकते हो, हम लोगों को छद्म सेक्युलर वाले, छद्म धर्मनिरपेक्षता वाले कहेंगे। लेकिन अगर संविधान को मानते हैं, संविधान की प्रस्तावना को मानते हैं तो जो सबसे महत्वपूर्ण चीज है, जिसकी शपथ लेकर यहां बैठे हुए हैं, जिसकी शपथ लेकर मंत्री, गृह मंत्री और प्रधान मंत्री सब बनते हैं, उसमें सेक्युलर और सोशलिस्ट शब्द भले ही 42वें अमैन्डमैन्ट के बाद जोड़ा गया हो, लेकिन वह संविधान का सबसे महत्वपूर्ण हिस्सा है। Do you agree with it? क्या आप सब्सक्राइब करते हैं। इसलिए अगर आइडियोलोजी की बात आ जाती है तो ऐसी बात नहीं है। लेकिन उपसभापति महोदय, मैं इधर बैठे हुए लोगों, खास तौर से गृह मंत्री जी से कहना चाहूंगा कि जब आप लोगों को राज्यों में भेजते हैं और राज्य सरकार कोई गलत काम करे, उसके खिलाफ कार्रवाई कीजिए, कोई बात नहीं है। लेकिन पहले दिन ही जाकर कोई गवर्नर कलक्टर को बुलाकर यह पूछने लगे कि साड़ी कांड में क्या हुआ, रायबरेली में क्या हो रहा है, यह गवर्नर का काम नहीं है। अगर कलक्टर और एस.पी. को बुलाकर ऐसा कहने लगे तो जो आरोप किसी और के ऊपर आप लगा रहे हैं, उससे ज्यादा गम्भीर आरोप इस हाउस में सहने के लिए आप तैयार रहिये।

इसलिए मैं कहता हूँ कि ब्यूरोक्रैट्स को गवर्नर बनाकर भेजेंगे, वे डॉटेड लाइन्स पर दस्तखत करने वाले होते हैं, वे अपने विवेक का प्रयोग नहीं करेंगे। जैसा आप इशारा करेंगे, वे उसी हिसाब से करेंगे। इसलिए मैं आज इस सदन में कहना चाहता हूँ कि ये चर्चाएँ हमेशा होती रहेंगी, विवाद आते रहेंगे। कोई ऐसी व्यवस्था होनी चाहिए जिससे स्पट रूप से गवर्नर्स के रिमूवल का भी कोई प्रोविज़न संविधान में संशोधन करके, बना दिया जाए। अन्यथा जब यह लिखा हुआ है कि during the pleasure of the President रहेगा उसके साथ अगली लाइन जोड़ दीजिए कि पांच साल उसका टर्म हुआ - या तो पांच साल वाला हटा दो। यह इतना ही बना रहे, उतना ही पर्याप्त है।

श्री देवेन्द्र प्रसाद यादव (झंझारपुर) : उपाध्यक्ष महोदय, माननीय विपक्ष के नेता आडवाणी जी ने नियम 193 के तहत राज्यपालों की बर्खास्तगी पर तर्क देते हुए जिन संवैधानिक प्रावधानों और सरकारिया आयोग, वेंकटचलैया आयोग के प्रावधानों का उल्लेख किया है, वह उस वक्त के लैटर में तो कुछ सही हो सकता है किन्तु आज जो परिस्थिति है, स्पिरिट में कहीं मूल भावना से मेल नहीं खाता है। इसलिए इस बार जो चुनाव था यह चुनाव नहीं था। देश के अंदर इस बार जो लोक सभा का चुनाव हुआ है, वह रेफरन्डम था between the secular forces and the communal forces. यह जनमत संग्रह था जो पूरे देश में हुआ है। अब ये जनादेश की बात कह रहे हैं। जनादेश तो मिल गया धर्मनिरपेक्ष गठबंधन को लेकिन जनादेश के अनुकूल आर.एस.एस. पृठभूमि वाले राज्यपाल क्यों हटाए गए। पांच

साल तक उनकी अवधि ज्यों की त्यों रहती या निरंतरता बनी रहती। मुझे समझ में नहीं आता कि जो लोग भगवाकरण में विश्वास करते हैं, जो लोग कट्टरपंथी ि वचारधारा में विश्वास करते हैं, वे क्यों संवैधानिक पदों पर बने रहना चाहते हैं? राज्यपाल केन्द्र और राज्य को जोड़ने वाली कड़ी होता है। केन्द्र सरकार की विचारधारा से, संयुक्त प्रगतिशील गंठबंधन की विचारधारा से राज्यपाल की विचारधारा जब मेल ही नहीं खाती, चूंकि उनकी पृठभूमि आर.एस.एस. की है, आर.एस.एस. की ि वचारधारा में उनको भरोसा है और उनको गर्व भी है कि वे आर.एस.एस. के हैं, फिर यदि उनको केन्द्रीय सरकार ने बर्खास्त किया है तो मैं मानता हूँ कि यह जनादेश का आदर किया है। ऐसा होना चाहिए था। इस बार जो रैफरैन्डम हुआ है, धर्मनिरपेक्ष ताकतों बनाम सांप्रदायिक ताकतों के बीच में, उसके अनुकूल उन्होंने निर्णय लिया है। इसमें कोई अजीब बात नहीं है।

श्री धर्मेन्द्र प्रधान : जनादेश की बात हो रही है। केरल में जनादेश किसके पक्ष में था, किसके खिलाफ था? राजस्थान में क्या था, उड़ीसा में क्या था, छत्तीसगढ़ में क्या था? â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: No. There is no point of order. Please sit down. Shri Devendra Prasad Yadav may continue his speech.

श्री देवेन्द्र प्रसाद यादव : धैर्य रखिये। माननीय सदस्य नए हैं इसलिए मैंने उनको बीच में बोलने का मौका दिया। जनादेश को आप लोकतांत्रिक व्यवस्था में पचा क्यों नहीं पाते हैं? क्या कारण है, क्या परेशानी हो गई है? यह सबसे बड़ी परेशानी हमें नज़र आ रही है। जनादेश को डाइजैस्ट नहीं कर पा रहे हैं और लोकतंत्र की दुहाई दे रहे हैं तथा लंबे-लंबे एतिहासिक तथ्यों को सामने रख रहे हैं कि संविधान का लैटर और स्पिरिट क्या था। स्पिरिट तो व्यावहारिकता है जो किया गया है और करने का अधिकार है अनुच्छेद 156 के तहत।

हम चाहते हैं कि संविधान के तहत राज्यपाल के पद पर उस व्यक्ति को नियुक्त करना चाहिए जो पूरी तरह से धर्मनिरपेक्ष विचारधारा का हो, जो संपूर्ण रूप से धर्मनिरपेक्षता में विश्वास करता हो तथा जो पूर्वाग्रह से ग्रसित न हो। क्या भाजपा द्वारा नियुक्त सभी राज्यपाल इस कसौटी पर खरे उतर रहे थे? अभी हमारे एक मित्र ने कोट भी किया था कि हरियाणा के राज्यपाल ने क्या कहा और बिहार के राज्यपाल ने गांधी मैदान में जो कहा, उससे लगा कि वे कोई पाठ पढ़ रहे हैं।

16.00 hrs.

उपाध्यक्ष महोदय, 26 जनवरी के अवसर पर समूचा देश देख रहा था और इस तरह के शब्दों का इस्तेमाल उन्होंने सांवैधानिक पद पर रहकर किया। कोई भी राज्यपाल इस तरह के शब्दों का, इस तरह के वाक्यों का इस्तेमाल नहीं करेगा। ऐसा आज तक कोई उदाहरण नहीं है। उनके वाक्यों को सुनकर लग रहा था जैसे कोई आर.एस.एस. का बड़ा आदमी बोल रहा हो। â€¦ (व्यवधान)

श्री सुशील कुमार मोदी : जो राज्यपाल ने कहा, वही हाईकोर्ट ने कहा। â€¦ (व्यवधान)

MR. DEPUTY SPEAKER: Modi Ji, please sit down.

...(*Interruptions*)

श्री देवेन्द्र प्रसाद यादव : मोदी जी, पार्लियामेंट की गरिमा समझिए। जो हाईकोर्ट ने कहा, उसे यहां कोट नहीं किया जा सकता। न्यायालय ने क्या कहा है, उसकी चर्चा हम यहां नहीं कर सकते हैं। जो न्यायालय ने कहा है वह उसका अधिकार है।

महोदय, जो राज्यपाल ने सार्वजनिक रूप से बिहार के गांधी मैदान में कहा, उन्होंने जिस तरह के वाक्यों का प्रयोग किया, उससे लगता था कि जैसे कोई आर.एस.एस. का सरसंघ चालक बोल रहा हो। यह बहुत दुर्भाग्यपूर्ण बात है। यह संविधान के विरुद्ध है। संविधान के तहत, राज्यपाल के पद पर बैठे हुए व्यक्ति के मुंह से इस तरह के शब्द निकलना, इस तरह के वाक्यों का प्रयोग करना, क्या नई परम्परा डालने वाली बात नहीं है, क्या उनका यह आचरण संविधान के विपरीत नहीं है ? जिस प्रकार के शब्दों का प्रयोग किया गया है, â€¦ (व्यवधान)

श्री सुशील कुमार मोदी : फिर से बोलिए।â€¦ (व्यवधान)

श्री देवेन्द्र प्रसाद यादव : फिर से क्यों बोलूं, मोदी जी दुबारा क्यों कहूं।â€¦ (व्यवधान)

MR. DEPUTY SPEAKER: Modi Ji, do not waste the time of the House.

...(*Interruptions*)

श्री देवेन्द्र प्रसाद यादव : महोदय, मोदी जी को बिहार विधान सभा का अनुभव है। उन्हें पार्लियामेंट का अनुभव नहीं है। â€¦ (व्यवधान)

श्री लालू प्रसाद : मोदी जी, हमारे सैक्रेट्री थे।

श्री देवेन्द्र प्रसाद यादव : मोदी जी, कांग्रेस के समय में जब इमर्जेंसी लगी तब लालू जी आगे-आगे चलते और गिरफ्तार हो जाते और आप पीछे छूट जाते थे। â€¦ (व्यवधान)

श्री सुशील कुमार मोदी : मैं यहां यह स्पट कर दूं कि मैं छात्र संघ का सैक्रेट्री था, कोई प्राइवेट सैक्रेट्री नहीं था। â€¦ (व्यवधान)

MR. DEPUTY SPEAKER: Please sit down. Nothing will go on record.

(Interruptions) *

श्री देवेन्द्र प्रसाद यादव : मैं तो यील्ड नहीं कर रहा हूं। वे बोले जा रहे हैं। यह विधान सभा नहीं है। यह संसद है। देश की सर्वोच्च संस्था है। मैं मोदी जी से कहना चाहता हूं कि यहां गरिमा का पालन करना पड़ेगा। संसद की ऊंचाई समझने की कोशिश कीजिए।

सुशील मोदी जी नए सदस्य हैं। मैं उन्हें बता दूं कि यहां आसन सर्वोपरि है। ज्यादा हलचल में कहीं ज्यादा ऊंचे मत उठ जाइए। यहां आसन की अनुमति लेकर ही बोला जाता है। आप गरिमा और मर्यादा की बात बहुत बोलते हैं।

महोदय, अभी आडवाणी जी, बोल रहे थे। मैं उनका बड़ा आदर करता हूं। उनके लैटर का जो कंटेंट था, उसे सुनने से लगा कि वे इतने इतिहास में चले गए, जबकि यह बहुत छोटा सा विाय राज्यपालों को बर्खास्त करने का था और वह बर्खास्तगी भी संविधान के अनुच्छेद 156 के तहत की गई थी। इसमें इतना गहरे उतरने की जरूरत नहीं थी। केन्द्र सरकार को धर्मनिर्पेक्षता के लिए जनादेश मिला और उसने कह दिया कि आप कम्युनल ताकत हैं, आप आराम करिए।

महोदय, ऐसे व्यक्ति को राज्यपाल के पद पर नियुक्त करना, ऐसे रोगी मानसिकता वाले व्यक्ति को, जिसके चलते गुजरात में हजारों लगों की हत्या हुई, इंसानियत को कत्ल किया गया। बेगुनाह लोगों की मां-बहनें आज भी उनकी चिता पर रो रही हैं। वहां कैसे राज्यपाल को आपने नियुक्त किया। यदि राज्यपाल ने गुजरात में इस प्र ाकार की आशंका होने के बारे में केन्द्र सरकार को कोई रिपोर्ट दी, तो वह बताइए। आप बिहार से हटाकर वहां पोस्ट कर दें। वे बड़े पीएच. डी. हैं, मानो आर.एस.एस. सरसंघ चालक हैं, उनको वहां भेज दिया जाए। मैं कहना चाहता हूं कि ऐसी पृठभूमि वाले, आर.एस.एस. की पृठभूमि वाले

* Not Recorded.

राज्यपाल को यदि नियुक्त किया जाएगा, तो उसका अंजाम बहुत खतरनाक होगा, न केवल राट्रीय एकता और राट्रीय सद्भावना के लिए, बल्कि ऐसे लोग, जो साम्प्र ादायिक ताकतें हैं, वे राट्रीय सदभावना और धर्मनिर्पेक्षता का जो ताना-बाना है, उसे तोड़ने का काम करेंगे और इन राज्यपालों ने ऐसा काम करने में अहम भूमिका निभाई।

उपाध्यक्ष महोदय, राज्यपाल, केन्द्र और राज्य के बीच में एक सांवैधानिक कड़ी होती है। यह कोई आसान पद नहीं है। राज्यपाल पद की गरिमा बर्खास्तगी से उतनी नहीं घटी है, बल्कि राज्यपालों ने सांवैधानिक पद पर बने रहकर, जो संविधान के विपरीत आचरण किया, उनके उस आचरण से साम्प्रदायिकता की जो बू आ रही थी, उसने राज्यपाल के पद की गरिमा को गिराने का काम किया है।

महोदय, हरियाणा के जो राज्यपाल थे, बिहार के गांधी मैदान से जिस तरह की बातें उन्होंने कहीं, वे सबसे ज्यादा गरिमा को गराने वाली थीं। उन्होंने इस पद की गरिमा और चेयर की मर्यादा को गिरा दिया। इसीलिए राज्यपाल को गरिमामय पद से हटाना कहीं से असंवैधानिक नहीं है, क्योंकि उन्होंने पद की गरिमा को ही घटा दिया है।â€¦ (व्यवधान)एक गवर्नर थे, वे पांच बजे के बाद बरौनी चले जाते थे। दिन में ही सूर्यास्त हो जाता था।â€¦ (व्यवधान)इससे ज्यादा शब्दों का इस्तेमाल हम नहीं कर सकते।â€¦ (व्यवधान)आरएसएस और इनके बैकग्राउंड से लोग परिचित हैं।â€¦ (व्यवधान)जो संकीर्ण मानसिकता के लोग हैं, आरएसएस वालों का अपना अलग कल्चर है। उन्हें एक नये कल्चर का पाठ पढ़ाया गया है - लाठी वाले, सरसंघचालक, इन सब में क्या है। मैं यह इसलिए कहना चाहता हूं, क्योंकि इनके अंदर संकीर्ण मानसिकता कूट-कूट भरी रहती है। बंसल जी ने इनके बारे में ठीक ही कोट किया था, मैं उसका जिक्र नहीं करना चाहता हूं, लेकिन मैं कहना चाहता हूं कि सं वैधानिक पद पर उदार मानसिकता वाले व्यक्ति को पदस्थापित होना चाहिए, जिसे धर्मनिरपेक्षता में विश्वास हो, जिनका संविधान के प्रिएम्बल में भरोसा हो, ऐसे लोग ही नियुक्त हो सकते हैं। अगर ऐसे व्यक्तियों को नियुक्त नहीं किया जाएगा तो मैं समझता हूं कि हमेशा राज्य और केन्द्र के बीच में समस्या बनी रहेगी, हमेशा स्टेट और सेंटर में तकरार चलता रहेगा, जो देश की एकता के लिए अच्छा नहीं होगा। यही कारण है कि हाल के वर्षों में कुछ राज्यों में राज्यपाल की कड़ी ने ठीक से काम नहीं किया, जिसके कारण स्टेट और सेंटर में तनाव का माहौल बना रहा।

महोदय, मैं अंतिम बात कहना चाहता हूं। आपकी घंटी बज रही है, मैं सम्मान करता हूं, लेकिन मैं इतना जरूर कहना चाहूंगा।â€¦ (व्यवधान)

उपाध्यक्ष महोदय : टाइम के लिए मेरी भी मजबूरी है।

श्री देवेन्द्र प्रसाद यादव : महोदय, माननीय आडवाणी जी छ: साल तक शासन में रहे, लेकिन वे चाहते थे, चूंकि वे संवैधानिक पद पर बैठे थे, लेकिन कुछ लोग न न्यायालय को मानते थे, न प्रधानमंत्री जी और न गृह मंत्री जी को मानने के लिए तैयार थे। इस देश में ऐसी ताकतें हैं, हम लोग उग्रवाद के खिलाफ बोलते हैं, लेकिन जो कट्टरपंथी ताकतें हैं, वे देश में कौमी एकता को नहीं बनने देना चाहती हैं, राट्र को मजबूत नहीं होने देना चाहती हैं। जो फिरकापरस्त ताकतों पर भरोसा करते हैं, ऐसे लोगों पर काबू पाने का काम छ: साल में एनडीए नहीं कर पाया। हमें कई बार यहां अस्थिकलश से लेकर कई सवालों पर बोलना पड़ा। हमने एनडीए में रह कर भी आरएसएस के दबाव के कारण, जिसके चलते देश का साम्प्रदायिक सद्भाव बनाने में काफी कठिनाइयों का सामना पड़ा, ऐसे संकीर्ण मानसिकता वाले जो राज्यपाल हैं, क्या वे त्याग कर पाएंगे, कभी नहीं करेंगे। जिस तरह राजग सरकार गई, उसी तरह सभी राज्यपालों को जाना चाहिए - चाहे वह बिहार का हो, अन्य भी जो आरएसएस पृठभूमि वाले राज्यपाल हैं, उन सभी को हटा देना चाहिए, तभी हम इस देश में धर्मनिरपेक्ष ताना-बाना बनाए रख सकते हैं तथा केन्द्र और राज्य के संबंध को अच्छा बना सकते हैं। इसलिए हम कहना चाहते हैं कि आरएसएस एक ऐसी संस्था है, जिसने अपनी अलग पहचान बना रखी है। धार्मिक और मज़हबी मामलों में ठाठ और लाटसाहबी पोस्ट राज्यपाल का है। मैं समझता हूं कि ऐसे लोगों को राज्यपाल बनाना एनडीए सरकार की सैद्धांतिक भूल थी। भाजपा ने एक बात और की है कि तमाम रिटायर्ड लोगों को अशोक ओल्ड ऐज़ होम से उठा-उठा कर गवर्नर बना दिया था, जो शारीरिक और मानसिक रूप से राज्य के कुलाधिपति की भूमिका को निभाने में बिलकुल अक्षम हैं। ऐसे लोगों को आपने चुन-चुन कर बनाया था। â€¦ (व्यवधान)फिलामेंट लगा नजर आ रहा था, लेकिन उसमें कहीं रोशनी नहीं थी। ऐसे लोगों को आपने चुना। लोक सभा के चुनाव में भाजपा की करारी हार हुई है, उन्हें 30 प्रतिशत भी वोट नहीं मिला है। इसलिए मैं आपसे कह रहा था कि रेफरेंडम हुआ था, धर्मनिरपेक्ष ताकत, कम्युनल ताकत के बीच में, और हमें आज 70 प्रतिशत वोट आपके विरूद्ध मिला। आरएसएस विचारधारा वालों को स्वयं ही राजभ वन नैतिकता के आधार पर छोड़ देना चाहिए। अभी जो बचे हुए लोग हैं,â€¦ (व्यवधान)जिस दिन संयुक्त प्रगतिशील गठबन्धन को जनादेश मिला था, उसी दिन राज्यपालों को राजभवन नैतिकता के आधार पर छोड़ देना चाहिए था।â€¦ (व्यवधान)

डॉ. वल्लभभाई कथीरिया (राजकोट) : उनका माइंड काम नहीं करता क्या, यह किस तरह की बात है।

MR. DEPUTY-SPEAKER: I will check the record. If there is any defamatory remark, I will expunge it.

...(*Interruptions*)

SHRI BIKRAM KESHARI DEO : Sir, this remark should be expunged. This is highly objectionableâ€¦...(*Interruptions*)

श्री देवेन्द्र प्रसाद यादव : स्वर्गीय जननायक कर्पूरी ठाकुर जी ने कहा था कि यह जो लाट का पद है, इसे खत्म कर देना चाहिए। इस पर भी बहस कीजिए, इस पर चर्चा होनी चाहिए, मैं यह कहना चाहता हूं। संविधान का उल्लंघन नहीं हो सकता है। संयुक्त प्रगतिशील गठबंधन को आम जनता राज में लाई है। आम जनता ने, लाखों-करोड़ों लोगों ने धर्मनिरपेक्ष गठबंधन की सरकार बनाई है। आप लोग उस जनादेश का अनादर करना चाहते हैं।â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: Please sit down. I will look into the record. If there is any defamatory remark, I will expunge it.

...(*Interruptions*)

श्री देवेन्द्र प्रसाद यादव : आपको यह जनादेश नहीं पचा है। लोकतांत्रिक व्यवस्था को और इस जनादेश को आपको स्वीकार करना चाहिए और आर.एस.एस. पृष्ठभूमि वाले राज्यपालों को हटाना चाहिए और स्वर्गीय कर्पूरी ठाकुर जी की आत्मा को, जो उन्होंने सपना देखा था कि एक दिन ऐसा आये कि लाट और ठाठ का पद ही हटा दिया जाये। मैं चाहता हूं कि इस पर भी बहस चलाई जाये। अब से पहले भी 1977 में आप लोगों ने यह परम्परा अपनाई है। दो राज्यपालों को एन.डी.ए. ने हटाया था, यह कोई नई परम्परा नहीं है।

MR. DEPUTY-SPEAKER: Shri Yadav, please sit down.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: This is not to be recorded. You have crossed the limit, Shri Yadav. Please sit down.

(Interruptions) *

श्री देवेन्द्र प्रसाद यादव : मैं इन्हीं शब्दों के साथ साफ बात कहना चाहता हूं कि कट्टरपंथी, भगवाकरण में विश्वास करने वाले ऐसे लोगों को, आर.एस.एस. की पृष्ठभूमि वालों को कभी भी राज्यपाल के संवैधानिक पद पर नहीं बैठाना चाहिए। हम चाहते हैं, गृह मंत्री जी यहां हैं, आप जल्दी से इस पद को ही समाप्त करने पर बहस चलायें।â€¦(व्यवधान) बिहार में भी और एक जगह और बैठे हैं, वहां जो आर.एस.एस. की पृठभूमि वाले राज्यपाल हैं, खासकर बिहार वाले जो राट्रीय स्वयंसेवक संघ के संचालक के रूप में काम कर रहे हैं, उनको तुरन्त हटा दिया जाये।

* Not Recorded.

श्री मोहन सिंह : आप दबाव में मत आइये, सही बात बोलिये।

श्री सुखदेव सिंह ढींडसा (संगरूर) : मैं दबाव में कभी नहीं आता।

उपाध्यक्ष महोदय, मैं आपका आभारी हूं कि आपने मुझे टाइम दिया है। आज जो डिस्कशन का विाय है, इस विाय पर पहले भी काफी डिस्कशन हुआ है, जिसको मैं समझता हूं कि जरूरत भी थी। यहां पर माननीय आडवाणी जी ने शिरोमणि अकाली दल की तरफ से जो आनन्दपुर का रेजोल्यूशन था, उसका जिक्र किया। आनन्दपुर साहिब रेजोल्यूशन किसलिए लाया गया, उसके पीछे मैं थोड़ा सा जाना चाहता हूं। जैसे केरल की बात की है, सबसे पहले 356 का कुल्हाड़ा पेप्सू में चला था। वहां जो अकाली दल की कोएलीशन सरकार थी, एक दफा नहीं, फिर 1967 में सरकार बनी, वह मिली जुली सरकार थी, वह तोड़ दी गई। 1969 में सरकार बनी, वह तोड़ दी गई। 1971 में बनी, वह तोड़ दी गई। उसके बाद शिरोमणि अकाली दल ने यह सोचा कि क्योंकि गवर्नर का पद मैं कहता हूं कि आज से नहीं है, जिस दिन से है, उसका मिसयूज किया गया है। क्यों किया गया? उससे रिपोर्ट ली जाती और एक साल, 6 महीने के बाद सरकार तोड़ दी जाती और आर्टिकल 356 लगा दिया जाता। इसलिए शिरोमणि अकाली दल ने आनन्दपुर साहिब में यह फैसला किया कि जो हमारा संविधान है, उसको रियल फैडरल सिस्टम में चेंज होना चाहिए। लेकिन उसके खिलाफ बड़ा कुछ कांग्रेस पार्टी ने किया, उसके खिलाफ बड़ा प्रोपेगंडा किया।â€¦(व्यवधान)

श्री मोहन सिंह : इन्होंने भी किया, जिनके साथ आप हैं।â€¦(व्यवधान)

श्री सुखदेव सिंह ढींडसा : इन्होंने भी किया, चलो मान लिया।

लेकिन उस समय क्या था कि चार सबजैक्ट्स हैं, डिफेंस, फॉरेन अफेयर्स, कम्युनिकेशन और करेंसी, ये चारों गवर्नमेंट ऑफ इंडिया के पास रहने चाहिए और बाकी सभी सबजैक्ट्स स्टेट्स को मिलने चाहिए। मैं आज भी कहना चाहता हूं कि लालू जी बिल्कुल ठीक कहते हैं कि गवर्नर की जरूरत क्या है, इन्हें सिर्फ किसी की सरकार को तोड़ने को यूज किया जाता है। कांग्रेस ने कितने साल तक ऐसा किया है, हमारे साथ तो कितनी दफा किया है।

मैं समझता हूं कि गवर्नर के पद की कोई जरूरत नहीं है। उसका यूज क्या है, यह मुझे समझ में नहीं आता। उससे केवल सरकार चलाने के लिए रिपोर्ट ली जाती है। इसकी एक मिसाल मैं आपको देना चाहता हूं। सरदार सुरजीत सिंह बरनाला जब पंजाब के मुख्यमंत्री थे, पहली दफा ऐसा हुआ कि किसी मुख्यमंत्री की तारीफ प्रेजीडैंट ऐड्रैस में हुई कि ऐसा मुख्यमंत्री कोई नहीं है जितने अच्छे बरनाला जी हैं। लेकिन उसके तीन महीने बाद गवर्नर से रिपोर्ट लेकर यह कहकर उनको हटा दिया गया कि यह मुख्यमंत्री ठीक नहीं है और यह कंट्रोल नहीं कर सकता।

मैं यह कहता हूं कि इस पद का बहुत मिसयूज किया गया है। मैं इससे भी सहमत हूं कि इस पद की जरूरत ही क्या है और वह करता क्या है ? वह केवल यही रिपोर्ट देता है। यादव जी और दूसरे सदस्य अभी गुजरात की बात कह रहे थे। ऐसा नहीं है कि मैं उसके खिलाफ हूं। मैं पूछना चाहता हूं कि सन् 1984 में दिल्ली में तीन हजार से ज्यादा बच्चे, बूढ़े, जवान आदि सबका तीन दिन तक कत्ल किया गया, उस वक्त लेफ्टिनेट गवर्नर कहां थे और उन्होंने उसकी क्या रिपोर्ट दी ? â€¦(व्यवधान)गुजरात की ही बात नहीं है। â€¦(व्यवधान)उस वक्त कोई नहीं बोला। मैं समझता हूं कि हम छोटे हैं। जब आप गुजरात की बात करते हैं तो दिल्ली की बात भी होनी चाहिए। उस वक्त लेफ्टिनेट गवर्नर कहां सोये हुए थे? â€¦(व्यवधान)

श्री शिवराज वि. पाटील : मैं आपको बताना चाहता हूं कि दिल्ली का लेफ्टिनेट गवर्नर एक-दो दिन के अंदर बदल दिया गया था। ☐☐(व्यवधान)

श्री सुखदेव सिंह ढींडसा : दूसरा, मै यह कहना चाहता हूं कि इसका दुरुपयोग आज नहीं हुआ बल्कि यह पहले से होता रहा है। यहां श्री आडवाणी जी बैठे हुए हैं। अगर इस पद का सबसे कम मिसयूज हुआ है तो वह एनडीए सरकार में हुआ है। â€¦(व्यवधान)पहले की सरकारों में इस पद का मिसयूज हर रोज होता था। हर दो-तीन महीने में उस पद का मिसयूज होता था। एनडीए का जो तजुर्बा है, आडवाणी जी ने जो कहा है, पहले कांग्रेस हमेशा यह कहती थी कि हमारी कभी कोलिएशन गवर्नमैंट नहीं हो सकती। हम अकेले ही सरकार बनायेंगे लेकिन आज वही कांग्रेस है जो कोलिएशन बना रही है और कोलिएशन की सरकार चला रही है। मुझे पता नहीं है कि यह सरकार कितने दिन चलेगी। श्री अटल बिहारी वाजपेयी जी ने तो छह साल तक कोलिएशन सरकार चलाई थी लेकिन इस सरकार के बारे में मुझे कुछ पता नहीं है कि यह कितने दिन चलेगी।

लालू जी, मैं आपकी बात से सहमत हूं कि गवर्नर का पद खत्म कर देना चाहिए क्योंकि इसकी कोई जरूरत मैं नहीं समझता हूं। दूसरा आइडियोलॉजी की बात करते हैं। â€¦(व्यवधान)मैं पूछना चाहता हूं कि अभी जो गवर्नर्स नियुक्त किये गये हैं, वे किस आइडियोलॉजी के हैं ? वे आपकी आइडियोलॉजी के हैं। वे अभी-अभी इलैक्शन हारे हैं। â€¦(व्यवधान)उनका इलैक्शन हारने के एक महीने के अंदर आपने उनको गवर्नर्स बना दिया। एनडीए सरकार ने, श्री अटल बिहारी वाजपेयी ने यह

कहा था कि जो मैम्बर इलैक्शन हार गये हैं, हम उनको गवर्नर्स नहीं बनायेंगे और उन्होंने उनको बनाया भी नहीं। कम से कम यह तो आप देख लेते। कि उनको इलैक्शन हारे हुए अभी एक महीना भी नहीं हुआ था।

मैं कहना चाहता हूं कि अभी गवर्नर्स जैसे चैंज किये गये हैं, वैसे आपको उन्हें बदलने की कोई जरूरत नहीं थी। क्लास फोर्थ के किसी कर्मचारी को भी जब कोई हटाता है तो पहले उसे नोटिस दिया जाता है और उसकी बात पूछता है। आपने उनको ऐसे उतार दिया जैसे कोई बात ही न हो। इस कांस्टीट्यूशनल पोस्ट का बहुत अनादर किया गया है।

आपने मुझे बोलने का समय दिया, इसके मैं आपका बहुत आभारी हूं। अंत में मैं कहना चाहता हूं कि सभी पार्टियां एक कन्सेन्सस बनाये जिससे आगे ऐसी बात न हो। मैं यह भी कहना चाहता हूं कि गवर्नर का पद ही खत्म किया जाये।

श्री संतोा गंगवार (बरेली) : माननीय उपाध्यक्ष महोदय, आपका बहुत-बहुत धन्यवाद। आज एक बहुत महत्वपूर्ण विाय पर चर्चा चल रही है परन्तु दुर्भाग्य है कि सत्ता पक्ष द्वारा उस हिसाब से जवाब नहीं दिया गया जैसी उम्मीद की गयी थी। श्री पवन कुमार बंसल कानून के बहुत विद्वान हैं लेकिन उनसे हम इस प्रकार की बातों की उम्मीद नहीं करते थे ।अगर हम पुराने वियों पर जाएं तो बहुत सारी बातें कह सकते हैं कि स्वतंत्रता से लेकर अब तक कितनी बार राज्यपाल के पद का दुरुपयोग हुआ और क्या बातें हुईं। श्री जवाहरलाल नेहरू ने राज्यपालों को पत्र लिखा था कि आप ऐसा आचरण करें जो आईडियल आचरण होना चाहिए। हमको इसी हिसाब से काम करना चाहिए। हम सोच रहे थे कि यहां कुछ वियों पर स्पट जानकारी मिलेगी। अभी सरकारिया कमीशन और उसकी रिकमैंडेशन्स की बहुत सी बातें हुईं। उसमें लिखा है **---**

> "He should be appointed in consultation with the Chief Minister of the State by the President of India and the Speaker of the Lok Sabha."

हम नहीं समझते कि ऐसा हुआ या नहीं, यह माननीय गृह मंत्री जी बता पाएंगे।

> "His tenure of office must be guaranteed and should not be disturbed except for extremely compelling reasons and if any action is to be taken against him, he must be given a reasonable opportunity for showing cause against the grounds on which he is sought to be removed. "

I think this has not happened. It further says:

> "In case of such termination or resignation by the Governor, the Government should lay before both the Houses of Parliament a statement explaining the circumstances leading to such removal or resignation as the case may be."

चर्चा का विाय यह है। हमें मालूम है क्योंकि हम उत्तर प्रदेश से आए हैं। वहां एक दिन का मुख्य मंत्री भी बना दिया गया था। हमारे वामपंथी मित्रों की समझ में यह नहीं आ रहा कि केरल और पश्चिम बंगाल में क्या हुआ। आज वे कांग्रेस की इन बातों की ताईद कर रहे हैं। देवेन्द्र जी हमारे बहुत अच्छे मित्र हैं। मैं कामना करता हूं कि जितने दिन भी सरकार चले, लालू जी को सिफारिश कर दें कि उन्हें मंत्री बना दें। लेकिन आप पिछली लोक सभा में क्या बोलते थे। अगर हम आपको उसका उदाहरण दें तो आपकी समझ में अपने आप आ जाएगा।â€¦(व्यवधान)आप डिज़र्व करते हैं। आपको पिछली बार ही बनना चाहिए था। आपने अच्छा किया कि आप उधर चले गए। शायद आपकी कुछ अधिक सुनवाई हो जाए, ऐसा हम महसूस करते हैं।â€¦(व्यवधान)वामपंथी मित्रों को भी हमारा सुझाव है कि यह सरकार चलती रहे और वे कांग्रेस के साथ आने वाले विधान सभा का चुनाव लड़ें। रैफरैंडम क्या है और क्या नहीं है, यह उनकी समझ में आएगा। यह चर्चा का विाय इसलिए है क्योंकि आजादी के बाद इस पर निरंतर चर्चा होती रही कि राज्यपाल का आचरण क्या हो और राज्यपाल को कैसे रखा जाए, कैसे न रखा जाए। यह बात भी सही है कि बहुत से ऐसे विाय आए।

मैंने एक बार अखबार में पढ़ा था कि एक महामहिम अपने साथ 130 लोगों को यात्रा में ले गए जो चिन्ता की बात थी। हमारी भी समझ में आता है। हम उत्तर प्रदेश में रहते हैं। हम बहुत सारी बातें देखते हैं कि गवर्नर की आचरण कैसा होना चाहिए। अभी प्रो. राम गोपाल यादव बोल रहे थे कि गुजरात में क्या हुआ। हमें मालूम है कुछ दिन पहले सब पुलिस वालों की मौजूदगी में, डिप्टी एसपी की मौजूदगी में एक आदमी का गला रेतकर काट दिया गया। क्या हर विाय पर गवर्नर रिपोर्ट देगा? अगर महामहिम राज्यपाल इन वियों पर भी रिपोर्ट देंâ€¦(व्यवधान)

प्रो. राम गोपाल यादव : एक आदमी का गला रेतकर काट दिया गया।â€¦(व्यवधान)गुजरात से इसकी तुलना करना बेमानी है।â€¦(व्यवधान)

उपाध्यक्ष महोदय : अगर कोई रूल हो तो मैं आपका प्वाइंट ऑफ आर्डर मानूं।

...(व्यवधान)

श्री संतोा गंगवार : गुजरात में कांग्रेस के शासन में महीनों तक कर्फ्यू लगा था। एक एसएसपी, एक डिप्टी एसपी, दर्जनों अधिकारियों को उसी दिन निलंबित कर दिया गया था। क्या किसी के खिलाफ कार्यवाही की गई, जरा बताएं?â€¦(व्यवधान)

MR. DEPUTY-SPEAKER: The interruptions of the other hon. Members are not to be recorded.

(Interruptions) *

MR. DEPUTY-SPEAKER Shri Yadav, you are a senior Member. But you are disturbing the other hon. Member who is speaking.

* Not Recorded.

श्री संतोा गंगवार : श्री ढींढसा ने जो कुछ कहा, आप उसका जवाब नहीं दे सकते। गुजरात में महीनों तक कर्फ्यू लगाया गया, यह सबकी जानकारी में है। सेना

इतने कम समय में आई।, यह सबकी जानकारी में है।â€¦(व्यवधान)जिसका वोट लिया है, वह जनता बता रही है और जनता की बात समझ में आ रही है।â€¦(व्यवधान)कुछ वियों पर जो चर्चा हो रही हैâ€¦(व्यवधान)दुर्भाग्य यह है कि बिल्ली के भाग से छींका टूटता है। जो लोग इस समय सत्ता पक्ष में हैं, उनको पता नहीं था कि वे सरकार में आ जाएंगे। सरकार में आने के बाद यह तय नहीं हो पाया कि कौन प्रधान मंत्री बने। प्रधान मंत्री बनने के बाद इनका एजैंडा तय नहीं हो पाया ।जब एजेंडा तय नहीं हो पाया तो फिर क्या काम करें। कहीं से शुरूआत तो करें। अब कहीं से शुरूआत करें तो सबसे कमजोर गर्दन गवर्नर की लगी कि इसको हटाने का काम शुरू करें और वह जिस ढंग से किया, पूरे देश के अंदर आलोचना और विवाद का विाय हो गया। आपकी सरकार बन गई, आप सरकार चलाइए। अन्तर्विरोधी बयान मत दीजिए। सब लोग मिल-बैठकर काम करिए। देश के विकास को आगे बढ़ाने का काम करिए। ...(व्यवधान) सलाह तो हम दे देंगे। हम जो कुछ करके गये, जो विदेशी मुद्रा का भंडार इत्यादि सब कुछ छोड़कर गये और आज अगर उसका दुरुपयोग करेंगे तो आपकी आलोचना हम यहां पर करेंगे और हमें इसका पूरा हक है । जो आप गलत काम करेंगे, उसको हम इंगित करेंगे। अगर आपको लगता है कि 6 वर्ा में ऐसा हमने कुछ किया तो क्या आप नहीं कहते हैं ? हम भी कहते हैं पिछले 45 साल का आपका क्या रिकार्ड है, यह सबकी समझ में आ रहा है और हम यह कहना चाहते हैं कि सरकार बनाई है तो उसको ठीक ढंग से चलाने का काम करिए, यह हमारा आग्रह है। जिस प्रकार से आपने गवर्नर लोगों के साथ व्यवहार किया, वह आचरण के प्रतिकूल है। यहां पर आइडियोलॉजी की बात नहीं है। आपने उस आधार पर उनको नहीं हटाया, यह बात सही है। जैसे अभी-अभी आपने जो गवर्नर रखे हैं, चुनाव लड़े और हारे। एक ही विचारधारा के लोग, आपने अपनी पार्टी के लोगों को चुनकर भेजा। न आपने मुख्य मंत्री से कंसल्ट किया, न जिसको आपने हटाया, उनको आपने पूरा समय दिया कि आप इस विाय में क्या कहना चाहते हैं। यह बात समझ में नहीं आ रही है और आज इसीलिए इस विाय को लेकर हम देश के अंदर भी लोगों को बताना चाहते हैं कि वर्तमान सरकार का काम करने का तौर-तरीका कैसा है। लगता यह है कि राज्यपाल केवल केन्द्र की कठपुतली बनकर रह गया है। आप जैसी चाहें, राज्यपाल वैसी रिपोर्ट दें। मैं समझता हूं कि ऐसा नहीं करना चाहिए और ऐसा होना भी नहीं चाहिए। पुराने इतिहास में हम इन बातों को देख चुके हैं और समझ चुके हैं। हमें मालूम है कि आपने किस प्रकार से राज्यपाल के पद का दुरुपयोग किया और किस प्रकार से अपने हिसाब से रिपोर्ट ली और रिपोर्ट लेकर उन पर कार्रवाई की और सारी जनता मूकदर्शक बनी रही। हमें मालूम है कि जब उत्तर प्रदेश में एक दिन के गवर्नर ने मुख्य मंत्री बनाया और जिस प्रकार का माहौल हो गया था, हमने महामहिम राट्रपति महोदय जी के यहां धरना दिया, सारी गलती को सुधारा गया, यह सारी बात समझ में आई परंतु इस विाय में एक पूरी चर्चा और बहस होनी चाहिए।

राज्यपालों के आचरण के बारे में मैं ज्यादा नहीं कहना चाहूंगा। वह ज्यादा चर्चा का विाय भी नहीं है। लेकिन यह जरूर होना चाहिए कि इसके ऊपर कुछ कार्रवाई होनी चाहिए और यह समझ में नहीं आना चाहिए कि 10 जनपथ के डायरेक्शन से ही राज्यपाल बनाये जा रहे हैं और हटाये जा रहे हैं। यह बात हमारी समझ में भी आनी चाहिए। यह मैं इसलिए भी कहना चाहता हूं कि आने वाले समय में यह विाय देश के अंदर चर्चा का विाय होगा। इन लोगों को लग रहा है कि किस प्रकार से हम आगे बढ़कर काम कर रहे हैं और यह विाय अगर हमने चर्चा में नहीं लिया तो निश्चित रूप से आज जैसे अभी बात आ रही है कि गवर्नर के पद का औचित्य भी है या नहीं है। अगर नहीं है तो फिर हम लोग इसके ऊपर विचार करें और चर्चा करें कि कैसे रेगुलेट करें। हम गवर्नर के पद को मखौल का स्थान बनाकर न रखें। उसके बारे में पूरी जानकारियां और पूरे सुझाव देकर चलने का काम करें। मैं मानता हूं कि महामहिम पद की जो गरिमा है, जो आजादी के बाद लोगों ने इसकी कल्पना की थी और जो आजादी के बाद पंडित जवाहरलाल नेहरू जी ने इसके बारे में गवर्नर लोगों को अपने सुझाव दिये थे, आज जरूरत इस बात की है कि हम लोग इसके बारे में विचार करें। हम तय करें कि सत्ता पक्ष में या विपक्ष में जो लोग हैं, तालमेल करके गवर्नर्स इस हिसाब से नियुक्त होने चाहिए कि वास्तव में उनका कार्य बिल्कुल सं वैधानिक हो और उसके ऊपर कोई उंगली न उठा सके। उसके साथ सब लोग मिलकर काम करें। यहां पर और ज्यादा न बोलते हुए मैं चाहूंगा कि सरकारिया कमीशन के माध्यम से जिन बिन्दुओं पर विचार करके जिन बातों की अपेक्षा की गई थी क्योंकि यह बात समझ में आती है कि पांच वर्ा और उसके बाद महामहिम राट्रपति जी की इच्छा पर निर्भर करता है। इस इच्छा को किस ढंग से हम लोग डिफाइन करेंगे। यह हम लोग मिलकर तय करें और हम लोग मिलकर फैसला करें कि इसकी डैफिनिशन यह होगी कि मनमाने तरीके से इसका इस्तेमाल नहीं किया जाएगा। मेरा मानना यह है कि आज यह विाय महत्वपूर्ण है और सामयिक भी है। इसके बारे में उपयुक्त चर्चा के बाद हम लोग मिलकर फैसला लें।

SHRI V. KISHORE CHANDRA S. DEO (PARVATIPURAM): Thank you Mr. Deputy-Speaker Sir. The Leader of the Opposition, while initiating the discussion on this Resolution laid great stress on the federal aspect of the Constitution. Sir, yes, while I shall come to that aspect a little later, I think, it is necessary for us to understand the very basis of our Constitution itself.

Mr. Deputy-Speaker Sir, you will appreciate the fact that our nationhood is not built on either religion or language. We are not a linguistic nation. We are not a Theocratic State as the Leader of Opposition himself has stated. We are a nation of sub-nationals, of different kinds of culture, language, and religion. We come from different races and therefore, the Indian nationhood is built on the Constitution itself. This is something, we must first understand before we discuss other aspects of our Constitution.

Mr. Deputy-Speaker Sir, it is because of this reason that the word secularism was incorporated into the Preamble of the Constitution. When it was understood that religion can be a divisive factor in this country for the existence of our nationhood, when it was understood that language could be a barrier to preserve our national integrity, the Constitution, the Preamble was amended and the Secular concept was introduced.

Secularism meant not atheism. That is a subject matter which has been discussed and decided. Secularism means tolerance of all religions. Therefore, we must always remember the fact that if our country has to exist as a nation, if our Republic has to continue, what our founding fathers of Constitution, our elders have always worked for it in theory is unity amidst diversity. It is unity and not uniformity. I repeat, unity amidst diversity is what we have always yearned for, what our founding fathers wanted to achieve, and not uniformity. The moment you talk of uniformity, the forces of disintegration will start to work. Therefore, it is in this background that ideology also gains a place of prime importance as far as our nationhood is concerned.

Mr. Deputy-Speaker Sir, I would like to remind Shri Advani, the hon. Leader of Opposition that way back in 1977 when I came here first as a junior Member of Parliament - of course, I was sitting on the other side - the Janata Government broke on the issue of dual membership of RSS. Why? Because it was of paramount importance for the existence of this country, for this nationhood. Friends sitting on my right - many of them are not there - may know that after all, it was Shri Biju Patnaik who first resigned from the Government on the issue of dual membership of RSS. Today, we have a Party which is living on his legacy with the name of Biju Janata Dal. Biju Babu's soul must be really turning in his grave, but the fact is, it was he who, on the issue of dual membership of RSS, first left the

Janata Government. Then my senior and good friend − he is not here − Shri George Fernandes left the Government. Then, late Raj Naraian left the Government. I may not forget that speech which is still ringing my ears, the defence of the Janata Government by my senior friend Shri George Fernandes from this side. It was one of the brilliant pieces of parliamentary performance and a few hours later, thanks to late Madhu Limaye, he got to understand the implications of the secular content and necessity for the existence of India as a country. Within days this Government was gone. So, I would like to remind, at least, those who were there then to understand that it was this same RSS issue which not only haunted but resulted in the fall of Janata Government in the year 1977.

Therefore it is not an issue which can be taken lightly. It is an issue which concerns the integrity and sovereignty of the country. Those leaders, who took that decision that day, were right in doing so. They did it because they loved the country more than the power by just sitting on the Treasury Benches or gloating over the Ministry they were presiding over. Therefore, it is in that background that we are discussing this issue today.

Coming to the federal aspect of our Constitution, as the Leader of the Opposition very rightly put it, ours is not that kind of a federation which also allows cessation of a union. True federalism allows that. Well, we call it as a quasi-federal Constitution etc. But, experience has shown, and over the years it has evolved, that ours, in my opinion is more of a quasi-unitary Constitution rather than a quasi-federal system. It is because we have a Concurrent List. Centre has always played an upper role in subjects which concern the States. So, federalism is there. It has been tampered over the last 50 years on various occasions, on various issues. Therefore, it is this kind of a federal system that we have cherished.

Mr. Deputy-Speaker, Sir, I will not repeat what my other friends have said. I would not like to take the time of this august House by repeating what has already been stated. But many of my friends, including the Leader of the Opposition, quoted the Sarkaria Commission extensively. Sir, the Sarkaria Commission has said that persons who should be made Governors should be persons who have not taken too great a part in politics generally and particularly in recent past. Now, this was also substantiated and supported by the Constitutional Review Committee which was set up by the NDA Government. But, Sir, there were reports in the newspapers − the Leader of the Opposition will bear me out and correct me if I am wrong − that in the BJP's National Council Meeting that was held in Gandhinagar on the 4th of May, 1998, Shri Lal Krishna Advani is supposed to have said that he has pointedly defended political appointments to gubernatorial positions. I think the Party was never in agreement with the Sarkaria Commission. I do not know whether it is right or wrong. Correct me if I am wrong.

SHRI L.K. ADVANI : I have already mentioned that all the recommendations of the Sarkaria Commission have been discussed one by one, thoroughly by the Inter-State Council, which is the Constitutional body comprising of all the Chief Ministers and the Central Government. They have accepted almost all the other recommendations of the Governor except this particular recommendation which said that a political person should not be appointed, and as has been rightly said by others also, that this approach of non-political person should be appointed is something that I do not accept and no political party in the country accepts it, not even the Congress Party. Therefore, this particular recommendation of the Sarkaria Commission and also of the Venkatachelliah Commission in respect of Governors have not been accepted by the Government, by the Inter-State Council. So there is hardly any dispute about it.

SHRI V. KISHORE CHANDRA S. DEO : Then, I have no quarrel with you at all. I would like to say that let us accept the fact that the appointment of Governors is political. They are political appointments.

SHRI L.K. ADVANI : There are many that are not political appointments.

SHRI V. KISHORE CHANDRA S. DEO : The individuals may not be political but their appointments are political. ...(*Interruptions*) We are politicians. At least, I do not belong to any religious organisation or any social organisation. I belong to a political party. My party makes an appointment. I will consider it to be a political appointment. Mr. Deputy-Speaker, Sir, such appointments are also made, namely appointments of Ambassadors, High-Commissioners, etc., to various others places by various Governments. But, in such cases, the moment the Government ceases to exist, those people submit their resignations. It would have been, in all fairness right if those Governors who were appointed by political parties would also submit their resignations and leave it to the incumbent Governments to ask them to continue or not.

But, fortunately or unfortunately, this has not been happening over the years, and ultimately whatever has had to happen is happening. So, Mr. Deputy-Speaker, Sir, the doctrine of committed ideologies may not be the best thing as far as Supreme Court judges are concerned but as far as the appointment of Governors is concerned, definitely ideology does matter especially when a particular ideology violates the basic principles of our Constitution and its existence. So, it was in that background, the Government had taken this decision.

Now, as far as article 156 is concerned, while article 156(1) mentions that the Governor shall continue as long as he enjoys the pleasure of the President, the sub-clause (3) which mentions the five-year term has also a proviso immediately after this. The proviso says that the Governor shall continue until a new incumbent Governor goes to relieve him. This is probably the only constitutional authority for which there is no fixed term.

An MP or a President or a Vice-President or a Chief Minister cannot continue for seven years. A Chief Minister cannot continue for seven years just because new Chief Minister is not elected. Tomorrow, if this Parliament's five-year term is over and elections are not held for another two years, we cannot continue as MPs. Likewise, the Governor is the only post for which nothing has been mentioned about the way that he can be removed, either by impeachment or any other method. Naturally, the person who appoints him or whose pleasure he enjoys to serve in office, the moment that is withdrawn, the Governorship also ceases to exist.

Mr. Deputy-Speaker, the hon. Leader of the Opposition has spoken about six years of strengthening federalism. I would like to remind him that the moment the BJP Government came to power in 1998, apart from Shri K.P. Singh, whom my colleague Shri Bansal has already mentioned, there were three other Governors who were also asked to resign. Shri T.R. Satish Chandra, an IAS Officer; Shri A.P. Mukherjee, an IPS Officer, who was Secretary to our then Home Minister, late Shri Indrajit Gupta; Shri Tejinder Khanna, who was the Commerce Secretary; and Shri Prabodh Kumar − these people were all asked to resign. So, this is not the first instance. I am not charging or stating or going into the fact whether that was right or wrong but the fact is that what the Government has done now is absolutely correct and within its scope. I do not think it is a dangerous trend that has taken place or it sets any bad precedent. I do not want to quote the earlier precedents to justify this. But, in the circumstances under which this was done, it was absolutely justified, and in fact, there was no other alternative.

Mr. Deputy-Speaker, the former Prime Minister has gone on recordâ€"I read it in the Press and I do not again know whether it is correctâ€"to say that one of the reasons why the NDA lost was because of what had happened in Gujarat. Basically, the mandate of the people was a mandate against the communal frenzy. It was a mandate for the national integration. It was a mandate for the unity of the country. In keeping with that, the mandate of the people has to be respected and the Government had done what it had to in keeping with the new mandate which we received from the people.

Sir, what was done was certainly not a routine matter. It was not a routine matter because there was a lot of thinking which had gone into the decision that took place, and ultimately the Government had to decide what it had to.

So, Mr. Deputy-Speaker, Sir, what I would like to say is that there is one grey area in the Constitution, that is, the role of the Governors and their appointments. The Sarkaria Commission had given its recommendations. The hon. Leader of the Opposition has said that if it becomes an elected post, there could be a clash between the Chief Minister and the Governor and, therefore, the founding fathers of the Constitution did not prefer that. But I have a suggestion of my own. The Home Minister is also sitting over her. Sir, the President and the Vice-President of our country are elected. If the Vice-President is elected by Members of both the Houses, there is no clash between the President and the Prime Minister or the Vice-President and the Prime Minister or those in Executive power.

Mr. Deputy-Speaker, Sir, we could probably think about a method or way. I wish if there was a possibility, the Governors could be elected by Members of both the Houses of Parliament by a single transferable vote like how the Rajya Sabha Members are elected by the MLAs. This is my personal view. It is not my Party's view. Probably, we could give it a thought. But unless something is streamlined or something specific is maintained or put or incorporated in the Constitution, this dilemma will continue.

श्री चंद्रकांत खैरे (औरंगाबाद, महाराट्र) : उपाध्यक्ष महोदय, धन्यवाद। विपक्ष के नेता माननीय आडवाणी जी ने नियम 193 के अन्तर्गत जो चर्चा के लिए विाय रखा है. मैं उस पर बोलने के लिए खड़ा हुआ हूं। मैं चार राज्यों के राज्यपालों को हटाने के निर्णय की निन्दा करता हूं। उन राज्यपालों को अपमानित करके हटाया गया है। मैं शिवसेना की ओर से इसका विरोध करने के लिए खड़ा हुआ हूं। उत्तर प्रदेश, गोवा, गुजरात और हरियाणा के महामहिम राज्यपालों को हटाया गया। उनको हटाने के पीछे यह कारण बताया गया कि वे राट्रीय स्वयंसेवक संघ परिवार के हैं। इस बात का कई माननीय सदस्यों ने यहां जिक्र करते हुए उदाहरण दिया। उन्होंने कहा कि सभी की भूमिका एक ही रही। राज्यों में राज्यपाल प्रमुख व्यक्ति होता है और वहां का प्रथम नागरिक होता है। राज्यों में राज्यपाल की उपस्थिति में मुख्यमंत्री को शपथ दिलायी जाती है। एक प्रकार से सरकार की स्थापना करने में उसकी बड़ी भूमिका होती है। राज्यपालों को हटाने के बाद अब केन्द्र सरकार वहां की सरकारों को भी भंग करने की साजिश करेगी, मुझे ऐसी भूमिका दिखायी दे रही है। यूपीए सरकार की नीयत ठीक नहीं है। इससे पहले एनडीए सरकार 6 साल से केन्द्र में थी। उसने कभी ऐसा काम नहीं किया। कांग्रेस के राज में जिस राज्यपाल की नियुक्ति हुई, उनमें से किसी को हटाया नहीं गया। मैं गृह मंत्री जी का ध्यान इस तरफ खास तौर से दिलाना चाहूंगा। उस समय महाराट्र में श्री पी.सी. एलैग्जैंडर राज्यपाल थे। उनका टैन्योर खत्म हो गया। मैं उस समय वहां मंत्री था। वहां की कैबिनेट ने एक प्रस्ताव पास करके कहा और माननीय ठाकरे जी ने भी कहा कि वह बहुत अच्छे व्यक्ति हैं, उनको राज्यपाल के रूप में एक्सटैंशन मिलना चाहिए। ऐसे कई राज्यों के राज्यपालों को एक्सटैंशन मिली।

श्री रामदास बंडु आठवले : महाराट्र के राज्यपाल को अभी भी नहीं हटाया गया जबकि उन्हें आपकी सरकार ने नियुक्त किया था। â€¦ (व्यवधान)

MR. DEPUTY-SPEAKER: Shri Ramdas Bandu Athawale, you can speak on your turn. I will give you the time.

...(*Interruptions*)

MR. DEPUTY-SPEAKER: It is not to be recorded.

*(Interruptions)**

** Not Recorded.*

श्री चंद्रकांत खैरे : शिवसेना और भाजपा की सरकार ने उन्हें एक्सटैंशन देने की सिफारिश की थी। आप बदले की भावना से उन्हें अपमानित करके हटा रहे हैं जो ठीक नहीं है। आपके कई मंत्रियों ने राज्यपाल जी को हटाने के बारे में अलग-अलग बयान दिए हैं जो बहुत विचित्र हैं। यहां गृह मंत्री जी बैठे हैं। किसी ने कहा कि सरकार राज्यपालों को निकाल सकती है, किसी ने कहा कि राज्यपाल बूढ़े हो जाते हैं, उनको कोई कुछ समझता नहीं है. उनको लिखना और चलना नहीं आता है, मैं इसकी निन्दा करता हूं। उनको पांच साल तक पद पर बनाए रखने का राट्रपति को अधिकार है।

उपाध्यक्ष महोदयः मैं एक रिकवैस्ट करना चाहता हूं। अभी पांच स्पीकर बाकी हैं। होम मिनिस्टर साहब ने सवा पांच बजे मीटिंग में जाना है। उनका वहां जाना जरूरी है। जिन पांच मैम्बर्स ने बोलना है यदि वे दो-तीन मिनट बोलें तो अच्छा रहेगा।

SHRI SHIVRAJ V. PATIL: I may be allowed to leave this House at 5.15 p.m. and come back by 5.30 p.m. so that I can attend the meeting and also attend this. Let them speak.

I would reply to the debate after 5.30 p.m. if you allow me.

MR. DEPUTY-SPEAKER: If the House agrees, it could be done.

All right, you can go and come back.

श्री चंद्रकांत खैरे : उपाध्यक्ष जी, मैं 2-3 मिनट में अपनी बात समाप्त कर दूंगा। सरकारिया कमीशन ने अपनी सिफारिशें 1987-88 में दी थीं। सभी दल उन सिफारिशों से सहमत थे कि किसी पौलिटिकल व्यक्ति को राज्यपाल नहीं बनाया जाना चाहिये लेकिन ऐसा व्यक्ति होना चाहिये जिसकी विश्वसनीयता असंदिग्ध न हो, उसमें पारदर्शिता होनी चाहिये। इस बात को मान्यता दी जानी चाहिये। यह महामहिम राट्रपति जी के आधिपत्य में होता है। महामहिम राट्रपति जी और केन्द्र सरकार के बीच में को-आर्डिनेशन होता है जिसके कारण धारा 156 के अनुसार राज्यपाल महामहिम राट्रपति की इच्छानुसार अपने पद पर बना रह सकता है। यह कार्यावधि 5 वर्ा की होती है। लेकिन आज यू.पी.ए. सरकार उन राज्यपालों को हटाने का काम कर रही है। मैं सरकार पर यह आरोप लगाता हूं कि उनके ही लोगों ने कहा है कि उन्हें इसलिये हटाया जा रहा है क्योंकि उन लोगों की विचारधारा अलग है। ऐसा वक्तव्य अखबारों में आया है कि उन राज्यपालों को खुद इस्तीफा देकर एक स्वस्थ परम्परा कायम रखनी चाहिये। मैं सरकार से जानना चाहता हूं कि जिन महामहिम राज्यपालों को हटाया गया, उनका कोई दोा नहीं था लेकिन यह कहा गया कि उनका संबंध चूंकि आर.एस.एस. से था, इसलिये हटाया गया। मैं इस बात का खंडन करना चाहता हूं।

उपाध्यक्ष महोदय, इस सरकार के मंत्री, जो अभी बैठे हुये थे, उठकर चले गये हैं। इस सरकार ने उन क्रिमीनल बैकग्राउंड के लोगों को मंत्री बना रखा है लेकिन राज्यपालों में से तो कोई ऐसा नहीं था। वे मंत्री, जिन्हें हम 'दागी मंत्री' कहते हैं, उनकी संख्या 5-6 है। ऐसे 'टेंटेड मिनिस्टर्स' को मेनटेन करके रखा हुआ है। लेकिन राज्यपालों के पदों पर बैठे हुये होशियार लोग थे, जिन्हें हटा दिया गया। इस तरह कई अच्छे अच्छे लोगों को हटाने की साजिश की जा रही है। मैं इस प्रकरण की निन्दा करता हूं।

उपाध्यक्ष महोदय, अभी यू.पी.ए. सरकार ने श्री बलराम जाखड़, श्री आर.एल.भाटिया, श्री नवल किशोर शर्मा जैसे पौलिटिकल लोगों को विभिन्न राज्यों का राज्यपाल बनाया है और सरकार ने ऐसी परम्परा कायम की है। यदि अगले 14 महीने के अंदर एन.डी.ए., सरकार आयेगी, क्या हम लोगों को ऐसे करना होगा? नहीं, हम ऐसा नहीं करने वाले हैं। एन.डी.ए. सरकार भले बदलाव के जरिये आये या चुनाव के जरिये आये, हम बदले की भावना से काम नहीं करने वाले हैं। इसलिये हम इस बात की निन्दा करते हैं।

उपाध्यक्ष महोदय, संघ परिवार का सी.पी.एम. विरोध करता रहा है और यहां तक कि वह शिवसेना का भी विरोध करता रहा है लेकिन वे सरकार को सपोर्ट कर रहे हैं। इस सरकार में संघ परिवार से संबंधित एक कपड़ा मंत्री हैं, जिन्होंने राज्यपाल को हटाने में सपोर्ट किया है। इसलिये मैं गृह मंत्री जी से आपके माध्यम से प्रार्थना करूंगा कि वे ऐसी परम्परा मत पैदा करें। इससे सरकार की बदनामी हो रही है। मैं इस कार्य के लिये सरकार की निन्दा करता हूं।

PROF. M. RAMADASS (PONDICHERRY): Hon'ble Deputy Speaker, Sir, let me, at the outset, express my gratitude to you for permitting me to participate in this discussion. The discussion before us is whether the decision of the Union Government to remove the four Governors is proper and tenable or not.

We will have to analyse this issue from a constitutional point of view. Now, when we analyse this issue from this background, in my opinion, there is enough justification in removing the four Governors. Therefore, the action of the Government of India is well within the jurisdiction of the Constitution.

The Hon. Leader of the Opposition quoted extensively from various documents like the speeches in the Constituent Assembly which was presided over by Dr. Ambedkar. Dr. Ambedkar had been the champion of the downtrodden, had been the champion of the federal character of this country and had advocated a number of social improvements. I do not know whether the people on the other side have the justification to glorify or to speak about Dr. Ambedkar.

The other day when we were discussing about reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in the private sector, the champion from that side said that merit is important and we should not forego it. Therefore, Scheduled Castes, Schedule Tribes and Other Backward Classes should not be considered for reservations in the private sector. That was the attitude of the people who are now talking of Dr. Ambedkar and quoting him out of context.

Hon'ble Leader of Oppositon also talked about the Sarkaria Commission, the Inter-State Council and also the Venkatachellaiah Committee. It is true that these Commissions have gone into various aspects of the appointment of Governors and the removal of Governors, and various associated issues. But, unfortunately, we have not given any constitutional status to these recommendations. The Venkatachellaiah Committee is one of the best pieces on the Constitution making. But what prevented the BJP Government in giving it a constitutional status? Are we governed by the VenkatacChellaiah Commission's recommendation today or are we governed by the Sarkaria Commission's recommendations today? They are all good decisions in the governance of this country, but they have not been given any constitutional status. Therefore, relying upon these documents for justifying or not justifying an action is not tenable and is not proper in my view.

The Hon. Leader of the Opposition also spoke about the federal character of this country. It is true that it is federal, but we will also have to see the type of governance at the State level. The Constitution clearly provides that at the State level, the Chief of the Executive is the Governor and the Chief of the Government is the Chief Minister. The Chief Minister is elected by the people whereas the Governor is appointed. In the matter of appointment, the Constitution is very clear and it says that only at the pleasure of the President, the Governor is appointed as well as removed.

While quoting article 156 the hon. Leader of the Opposition mentioned only about two clauses and he has forgotten about the third clause while it was also a part of that Article . The first clause says that the Governor shall hold office during the pleasure of the President. The second clause provides for the resignation of the Governor. The third clause says that subject to foregoing provisions, the Governor shall hold office for five years from the date on which he enters upon his office. Although these three provisions appear to be contradictory, we will have to accept the constitutional spirit of these three provisions. The third provision regarding the fixed tenure is not absolute but it is conditional, the condition being that if the first clause is satisfied, then the third clause becomes redundant and if the second class becomes existent, then the third clause becomes redundant.

Therefore, in this case the pleasure of the President has been withdrawn and why it has been withdrawn and how it has been withdrawn is a different question.

17.00 hrs.

From a constitutional point of view, as on today, the President of India does not have the pleasure of allowing these four Governors to govern the respective four States. So, when the first provision is satisfied, the third provision automatically ceases. Therefore, the argument that they should be in power or they should be in office for five years does not hold water at all when the first provision is applied. In this case, the tenure of the Governor is conditional. Therefore, the Governors are only revocable power agents of the President in the States and have to continue in office only during the pleasure of the President.

I would like to know from the Opposition benches whether the Government of India has committed any improper act in the light of this conditional provision. This Government of India, this Parliament today is conducted on the basis of the Constitution of India and, therefore, the removal of the Governors should also be guided by Article 156 of the Constitution and as far as Article 156 is concerned, nothing has been violated. Therefore, there is no impropriety, there is no untenability in the removal of these four Governors. If it is so, it is only for the Supreme Court to decide and to say that there has been a violation. We should not be wasting our time on this issue which will have to be settled legally outside.

Secondly, politically there is a changed scenario. As many of the hon. Members who spoke earlier said, we have got a fresh mandate from the people and on the basis of the fresh mandate a new Government has been constituted, a Council of Ministers has come into place and this Council of Ministers has got every right to appoint anybody or to remove anybody according to the decisions taken, it is the collective responsibility of the Cabinet. The collective responsibility of the Cabinet says that 'we do not have the pleasure on the existence of these four Governors and, therefore, they should be removed'. Therefore, the pleasure of the Cabinet becomes the pleasure of the President and, therefore, they have been removed. Therefore, politically also, there is nothing erroneous or nothing improper that has been committed in the removal of these Governors.

Politically, we have seen in the past, as other Hon. Members have also said, in 1977 it was not the removal of the Governors but the removal of nine elected Assemblies which have been dissolved by the Janata Government in which the hon. Leader of the Opposition and the hon. former Prime Minister of the country were occupying great

positions. In 1998 when the BJP Government came to power, they removed the Governors of Mizoram, Gujarat, Goa and U.P. Therefore, there has been a number of precedents. Whenever a Government changes, the ideology naturally changes and, therefore, that leads to the appointment of various people, not only the Governors. Members of the Planning Commission change. Automatically they change. Otherwise the Government is inclined to change these members and appoint a person who has got a commitment to that particular philosophy or policy etc. You cannot appoint a Deputy Chairman of the Planning Commission who does not have any belief in the economic reforms of the Government. The ideology of the economic reforms can only be appointed as Deputy Chairman of the Planning Commission. Therefore, we need to appoint people who would be able to carry out the mandate of the Government of India.

Today the Government has taken up the Common Minimum Programme as its ideology. There is nothing wrong in it. We should have people who would be able to implement this Common Minimum Programme, who will have a commitment to that programme. If you appoint a person who does not have commitment, then the whole Government will become a laughing stock and they will have to be answerable to the people again in the elections. Therefore, the question of political untenability does not arise in this case.

With regard to ideology, after 1980 in this country, it is very unfortunate that we have appointed politicians as Governors. When politicians are appointed, they stick to one philosophy or the other, one ideology or the other. But some have, after assuming the office of Governor, after entering the gubernatorial bungalow, distanced themselves from the ideology from which they were brought. If there are Congressmen, then they desisted from preaching the Congress ideology and they became the real constitutional heads.

That is what is envisaged by the Constitution. But unfortunately, some people, even after taking over as Governor, preached that 'this is my ideology and I have been sent here only to uphold this ideology, foster this ideology and develop this ideology'. Then, what will happen to the constitutional functioning of the Government?

In my own State, I have seen two Governors sent by BJP. The first Governor was an excellent person although he was proclaiming himself to be an RSS man. We all liked him because he had all the love and affection for the people and carried out policies in the manner in which a Governor should do. Although he belonged to a particular philosophy, we all appreciated him. His successor was also occupying the gubernatorial post. He was giving dinner to a BJP candidate after she was chosen as a party candidate there and he justified his action by saying that she was known to him or he was known to her. Later, the Secretary to Governor comes with a statement saying that she was invited for the dinner, but she had not yet filed her nomination. This matter was taken up with the Election Commission. The Election Commission immediately removed the Governor's Secretary. But since they respected the gubernatorial status of the man, they did not remove him. Otherwise, he would have been removed on that day itself just as Secretary to the Governor was sent out.

Sir, everybody has ideologies, but ideologies have to be restrained especially when you occupy a gubernatorial post. Therefore, when the Government removed these four Governors, they have not removed the institution of the Governor. This is the point that we must keep in mind. They have removed only the erring Governors. It is the judgement of the Government whether they have erred or not. It need not take everybody into confidence and say that we are removing the Governor because he has erred in this aspect or he has erred in that aspect. It is for the Government - the collective responsibility, the collective wisdom and maturity of the Cabinet − to decide what is the extent of mistake, what is the extent of the error which these people have committed. Therefore, we should not take that as an offence. The Governors will have to be committed to a particular philosophy. It is not like commitment to judiciary. Therefore, we want real constitutional heads and the Government has not, as someone said, acted with vindictiveness. If it had acted with vindictiveness, it should have removed all the Governors in all the States. It has selectively removed four people who had become inconsistent with the constitutional process of this country by holding a different ideology.

Therefore, in view of ethical grounds, in view of political grounds and in view of constitutional grounds, the removal of four Governors is justified and there is nothing wrong constitutionally.

श्री मोहन सिंह (देवरिया) : उपाध्यक्ष महोदय, इस चर्चा में भाग लेने का आपने अवसर दिया, मैं धन्यवाद देता हूं। जहां तक मुझे स्मरण है, सब्सटेंटिव मोशन के जरिए संभवतः यह सदन पहली बार राज्यपालों के हटाए जाने के विाय पर चर्चा कर रहा है। इस सदन में जब धारा 356 के अन्तर्गत स्टेट्यूटरी रिजोल्यूशन्स आते थे, तो राज्यपालों के आचरण पर बहस करने की परम्परा रही है।

महोदय, आडवाणी जी जिस समय की याद दिला रहे थे, 1967 और 1971 के बीच में, जब राज्य और केन्द्र के संबंध विवाद के विाय इस देश में बने और डी.एम.के. का राजमन्नार कमीशन बना, उस दौर में राज्यपाल के आचरण के बारे में बहुत से सवाल इस संसद में उठाए गए, लेकिन चूंकि राज्यपाल का आचरण संसद में बहस का विाय नहीं बन सकता, इसलिए भारत सरकार और यह सदन किसी मोशन के जरिए बहस करने को तैयार थे। लेकिन पहली बार 1969 में सुरेन्द्र नाथ द्विवेदी जी का एक प्रस्ताव यहां आया कि पश्चिम बंगाल के राज्यपाल श्री धर्मपाल को रीकॉल किया जाए। इस रूप में उनका प्रस्ताव इस सदन में बहस के लिए आया और उस दौर में बहुत सारे दलों ने अपनी राय रखी। भारतीय जनसंघ की विचारधारा यूनिटरी सिस्टम आफ कांस्टीट्यूशन की, उस जमाने में थी। संघीय प्रणाली में इनका यकीन नहीं था। इसलिए जो लोग भी राज्यों की स्वतंत्रता, स्वाधीनता और स्वायत्तता की अन्य रूपों में मांग करते थे, उसका सदैव इन्होंने विरोध किया और इसी धारा के चलते आनन्दपुर साहिब का भी विरोध भारतीय जनता पार्टी का जबरदस्त तरीके से किया था। आज यह बात चर्चा में आई कि राज्यपालों को हटाया जाना, हटाने

की प्रथा जो हमारे देश में है, वह हमारे संविधान की धाराओं के अनुकूल या उन धाराओं की विवेचना करने के लिए जो समय-समय पर कमीशन बने, उनकी संस्तुतियों के अनुकूल है या नहीं। बार-बार कहा गया कि सरकारिया कमीशन ने पांच वर्ा का समय किसी भी राज्यपाल को एक राज्य में काम करने के लिए सुनिश्चित किया जाना चाहिए, ऐसा दिशानिर्देश दिया है, लेकिन मैं पूछना चाहता हूं, जिन 6 वर्ाों की तारीफ आडवाणी जी ने स्वयं की तो क्या इन्होंने अपनी ही पार्टी के अपने ही राज्यपालों को एक राज्य से दूसरे राज्यों में नहीं स्थानान्तरित किया। सरकारिया कमीशन की ओर से कहा गया है कि यदि राज्यपाल का स्थानान्तरण एक राज्य से दूसरे राज्य में करना है तो उनके स्थानान्तरण का भी उनको नोटिस शो काज़ के तौर पर दिया जाना चाहिए, उनका जवाबतलब होना चाहिए और उसके सम्बन्ध में लोक सभा के अन्दर एक वक्तव्य गृह मंत्री को देना चाहिए कि किन परिस्थितियों में राज्यपाल का स्थानान्तरण एक राज्य से दूसरे राज्य में किया गया। उत्तर प्रदेश के एक दलित परिवार के राज्यपाल को हटाकर हिमाचल प्रदेश में रखा गया। हिमाचल प्रदेश के राज्यपाल को उत्तर प्रदेश में रखा गया।

सरकारिया कमीशन कहता है कि राज्यपाल उसी राज्य का निवासी नहीं होना चाहिए। मैं जानना चाहता हूं कि जिन राज्यपाल को आज उत्तर प्रदेश में हटाया गया है, क्या दो वर्ा पहले वहां राज्यपाल होने से पूर्व उसी राज्य से वे राज्य सभा के सदस्य नहीं थे? क्या उन्होंने शपथ देकर के वे लखनऊ के ही स्थाई निवासी हैं, यह हलफनामा देकर उत्तर प्रदेश की विधान सभा से भारत की राज्यसभा के सदस्य नियुक्त नहीं हुए? यदि वे उस राज्य के निवासी थे तो उसी राज्य के वे राज्यपाल कैसे हुए। यदि उस राज्य के वे निवासी नहीं थे तो दो साल पहले एक असत्य हलफनामा रिटर्निंग आफिसर के सामने उन्होंने कैसे दिया? मेरी समझ में ऐसे व्यक्ति को, जो राज्यसभा का मैम्बर होने के लिए असत्य शपथ-पत्र दाखिल करे, वह भारतीय जनता पार्टी के नैतिक पुरुा के रूप में गिने जाते हैं, यह बड़ी विडम्बना है, बड़ी विचित्रता की बात है।

इसी के साथ अब मैं कहना चाहता हूं कि राज्यपाल की प्रतिबद्धता संविधान की धाराओं के अनुरूप भारत के संविधान के हिसाब से किसी राज्य में कानून व्यवस्था या उस राज्य का संचालन हो रहा है कि नहीं हो रहा है, इसकी देख-रेख के लिए होता है। भारत सरकार ने निदेश दिया, एक संकेत दिया कि अब भारत सरकार की व्य वस्था बदल गई है, राज्यपालों को अपने पद से त्याग-पत्र दे देना चाहिए। भारतीय जनता पार्टी का आदेश हुआ कि आप भारत सरकार के आदेश को न मानें। हमारा आदेश है कि आप अपने पद पर बने रहें, त्याग-पत्र न दें। इन राज्यपालों ने भारत सरकार के निर्देश को न मानकर भारतीय जनता पार्टी के आदेश को माना, क्या यह स्वतः अपने आपमें इस बात का प्रमाण नहीं है कि इन राज्यपालों की जो प्रतिबद्धता थी, वह भारतीय जनता पार्टी के निर्देश को मानने की ज्यादा थी, भारत के सं` वधान और भारत के राट्रपति के आदेश को मानने की कम थी। ऐसी परिस्थिति में क्या यह स्वतः इस बात को सिद्ध करने के लिए काफी नहीं है कि उनकी भावनाएं भारत सरकार के अपने दृटिकोण के हिसाब से काम करने की नहीं थी, इसलिए ऐसी परिस्थिति में इन राज्यपालों को हटा दिये जाने का किसी को भी विरोध नहीं करना चाहिए, ऐसी मेरी मान्यता है।

लेकिन उसके साथ मैं भारत सरकार को कुछ संकेत देना चाहता हूं। कांग्रेस पार्टी और भारत सरकार अपने स्वयं के भी इतिहास से कुछ नसीहत लेने का काम करे। 1977 की आंधी में भी कांग्रेस पार्टी का किला आन्ध्र प्रदेश में ढह नहीं सका। लेकिन 1984 में जो कांग्रेस पार्टी के हक में आंधी चली, उस आंधी में भी आन्ध्र प्रदेश के किले की रक्षा कांग्रेस पार्टी नहीं कर पाई। ऐसा क्यों हुआ, कांग्रेस पार्टी को इस पर मंथन करना चाहिए। क्या यह बात सही है कि उस जमाने के कांग्रेस के जो उभरते हुए युवराज थे, उन्होंने आन्ध्र प्रदेश के हवाई अड्डे पर वहां के मुख्यमंत्री के साथ जो व्यवहार किया, उस व्यवहार का संदेश आन्ध्र प्रदेश के हर घर में गया।

एनटी रामाराव को तेलगु गौरव का संदेश आंध्र प्रदेश के हर नागरिक के जनमानस में फैलाने का अवसर मिल गया। इन राज्यपालों के माध्यम से उत्तर प्रदेश की जनता को, जो संदेश भारत सरकार देना चाहती है, उसे इस बात पर सावधानी से कदम उठाना चाहिए। इसे क्या उत्तर प्रदेश की जनता पसंद कर रही है? भारत सरकार के मंत्री, जिसका गैर-जिम्मेदाराना बयान उत्तर प्रदेश की सरकार के खिलाफ, उसकी गैर-प्रणाली के खिलाफ दे रहे हैं, उसका क्या उत्तर प्रदेश में स्वागत हो रहा है? इसलिए हम यह चेतावनी भी भारत सरकार को देना चाहते हैं, जहां आपने राज्यपाल को हटाया, उसका समर्थन करते हुए यदि आपकी मंशा, आपका भाव, जैसे समाचार-पत्रों में प्रकाशित हो रहा है इसके पीछे राजनैतिक भावना है और उत्तर प्रदेश सरकार को, जो एक चुनी हुई बहुमत वाली सरकार है, जिसके पूर्ण नियंत्रण में वहां की सारी व्यवस्था है, यदि उसे अस्थिर करेंगे तो इसके गंभीर परिणाम भी हो सकते हैं, इसे भारत सरकार को ध्यान में रखना चाहिए।

महोदय, राज्यपालों की स्थिरता पांच साल की होनी चाहिए। पांच साल की उनकी पूरी अवधि, उन्हें काम करने का मौका मिलना चाहिए, लेकिन उनकी जगह जब तक वैकल्पिक राज्यपाल की नियुक्ति न हो तब तक वे लोग अपने पद पर बने रहते हैं। भारतीय जनता पार्टी के ही राज में उत्तर प्रदेश के एक कांग्रेस के महान नेता के पिता जी इसी धारा का उपयोग करते हुए कर्नाटक राज्य के राजभवन में सात वर्ाों तक सुख-सुविधा का अनुपालन करते रहे। इसलिए हम कहना चाहते हैं कि यह जो राजनीति है, राज्यपाल को बनाना, उन्हें बैठाना और हटाना, इसके बारे में जो हमारे संविधान के संचालन की प्रक्रिया है, उस प्रक्रिया के अनुसार हम और आप आ-जा सकते हैं, सरकारें बदल सकती हैं, लेकिन परम्पराएं अपनी जगह स्थाई होती हैं। संविधान की मर्यादा की और संविधान की वर्किंग की रक्षा के लिए भारत सरकार को राज्यपाल जैसे पद के साथ, जैसे कहा गया कि सरकारिया कमीशन द्वारा, कि यह आम प्रेक्टीस, दैनिक अभ्यास नहीं होना चाहिए कि जब रात को किसी को याद आए तो राज्यपाल को हटा दिया और जब रात को उसे पूरी तरह नींद न आए तो उसे पांच साल की जगह सात साल तक उपभोग करने के लिए बैठाए रखा, यह प्रथा नहीं होनी चाहिए। संविधान, संविधान है, उसका पालन सब को करना चाहिए। यही आग्रह करते हुए मैं अपनी बात समाप्त करता हूं। आपने मुझे बोलने का अवसर दिया, इसके लिए आपको धन्यवाद।

SHRI B. MAHTAB (CUTTACK): Sir, I think, there must be some method in selecting on calling the Members. There have been speakers continuously speaking, I think, at least, two or three Members from one party, and the Members belong to other parties have not been called or even given a chance till now. Anyway, I am here to discuss the Motion given under Rule 193 regarding removal of Governors of four States on the basis of their ideology. At this instance, 180 minutes have already been spent discussing this Motion.

The Governors are appointed for a term of five years according to Article 156 (3) of the Constitution. The office of Governor was originally thought of as a constitutional Head of every State of the Union and an essential link between the State and the Centre. As has been pointed out by the hon. Leader of the Opposition, the rot has actually started after the 1967 General Elections in which the Congress retained power at the Centre but lost it in a large number of States. Though the Governor's post was a link between the Centre and the States, most Governors were turned into hatchet men for the then Prime Minister.

Mr. Salim was the lone Member from the Left Front to have spoken on this topic so far. I would have been very happy, if I had heard a Left Front Member from Kerala speak on this very topic. That is because, the first experiment to utilise the office of the Governor in order to remove a Chief Minister or a Government was done in 1959 in Kerala. It was Shri Namboodiripad who was removed unceremoniously in 1959. The frequency mounted after 1967 and continued till 1987. In 1977, there was a wholesale sacking. In 1980, Congress sent Janata Governors packing.

Sacking of Governors *en masse* constitutes rank misgovernance. I would like to repeat, it constitutes rank misgovernance. It makes a mockery of federalism. I would like to remind this House of the S.R.Bommai's case in which the nine-member Bench of the Supreme Court decided that the basic feature of our Constitution is its federal character. That is why, some Members have repeatedly stated that it is not the report of Sarkaria Commission, it is not the report of Justice Venkatachellaiah Commission, it is ultimately the Inter-State Council which determines how the Government is to run.

I fail to understand as to what the urgency was. The UPA Government ought to have allowed the Governors a little time - if it was not satisfied with the incumbents - for correcting their course and prove their utility through performance. What was the harm in allowing them a little bit of time? This was the least that was expected from the UPA Government. I would like an answer from the Government to this. Heavens would not have fallen if these Governors had been allowed to function. Almost a week has passed since the new Governors have been appointed in place of the four Governors that were sacked.

What is the reason behind it? We hear from the hon. Home Minister in this House today that it is not just the ideology. He is trying to interpret it in a different way. Of course, all the information that we have got is from the media. It is today that we hear the Minister say that he is going to explain to us the reason why he has removed them. What was the urgency? The House would like to know, and the country would like to know as to what was the urgency? Let him spell it out. On the face of it, there is absolutely no warrant for change of Governors in the States when the Government changes at the Centre.

I would not like to go into the details as to how many Governors were changed in which State, how many Governors completed five years, and how many Governors could not complete their term. I would say that Congress has methodically developed a practice, which is bewildering and paradoxical. This does not make the routine sacking of Governors after a regime change in Delhi legitimate. But then, who cares about the legitimacy!

I would like to refer to the Minister of State for Home Affairs Mr. Shriprakash Jaiswal and Congress spokesperson Anand Sharma. They have suggested in their utterances that the reason for axing the four Governors was their closeness to the Rashtriya Swayam Sevak Sangh. If this is the reason, let Government say that.

Ultimately, the Home Minister, Mr. Patil comes out with a statement in the Press. I quote it from the Editorial of a newspaper. Today, as far as my knowledge goes, nothing substantial has come out from the Government on this issue. I quote from the Editorial, which says:

> "The new Government did make an effort to secure resignations by exerting pressure through leaks in the media and perhaps by other means. But, when the Governors dug in, evidently under instructions from those who had appointed them, dismissal was politically unavoidable. The whole episode raises an issue of wide-ranging Constitutional and political import."

Some Members have said that there is no necessity to discuss it. I would like to emphasise here that there is a necessity because of wide-ranging Constitutional and political import. On that, one relates to the convention and practices that should govern the choice of Governors.

At the same time there are two basic qualifications for appointment of a Governor.

उपाध्यक्ष महोदय : अब आप अपना भााण समाप्त करें। मेरे पास बहुत कम समय रह गया है।

SHRI BRAJA KISHORE TRIPATHY (PURI): Sir, he should be given more time. He is making very valid points. He is not repeating the points....(*Interruptions*)

MR. DEPUTY-SPEAKER: Please wind up. Time is very less.

SHRI B. MAHTAB : Sir, if you do not allow me to speak, I will sit down...(*Interruptions*) If I am not allowed to speak, I will sit down.

SHRI KHARABELA SWAIN : Sir, his party is a 11-Member party. Even Members of a 5-Member party have already spoken for more than 15 minutes during this debate. He is the first speaker from Orissa. So, he should be allowed to speak for some more time. Moreover, the hon. Minister is also not there, and he would also come after some time...(*Interruptions*) So, let him speak, Sir.

MR. DEPUTY-SPEAKER: There are other Members also to speak, and time is very less. I have to accommodate them also.

Please try to conclude.

SHRI B. MAHTAB : Yes,Sir.

The main qualification of appointment of a Governor is that he should be a citizen of India, and his minimum age should be 35 years. Secondly, according to article 158, there are certain technical conditions. One of those conditions is that 'the Governor shall not be a Member of either House of Parliament or of a State Legislature.' But unfortunately, there is no qualitative criterion for appointment of a Governor laid down in the Constitution.

The Sarkaria Commission, which has been repeatedly discussed here, had discussed the Centre-State relations. Within that chapter comes the role of the Governor. But the Congress party has not learned lessons from the past. The present Government did not lose time in filling up the two vacancies last month by the Congress Members who had been defeated in the recent Lok Sabha elections.

I would mention here about two incidents. One during 1990, referring to a book by our former President of India, Shri R. Venkataraman. In his book, 'My Presidential Years', he has dealt about an incident of January 14, 1990. There he has said:

> "The Home Minister Mufti Mohammad Syed called on me and showed me a list of Governors whom he wanted to remove and hinted that I might convey this information to them. I felt that if I conveyed it to some Governors, it might create an impression that I wanted some to go and some to stay. We then discussed the issue, and in consultation with the Prime Minister, decided that resignation of all the Governors might be sought and resignation of those accepted whom the Government wanted to change. In accordance with the decisions to call the resignation of all the Governors, I sent letters to them saying that I am advised to convey that the Government wishes to change the Governor of your State. Your resignation may, therefore, be forwarded at your earlier convenience."

MR. DEPUTY-SPEAKER: Thank you.

SHRI B. MAHTAB : I have not finished yet my speech, Sir.

So, did the Government advise the President of India to send a similar type of letters? The answer is yet to come . The country is not aware whether the Government had advised the President nor impressed upon him to send such type of letters. We very well know that the President has not written such type of letters. Only someone mentioned it in this House today that somebody has telephoned someone. That is known through leaks.

Is this the way that they have to treat their Governors? Is this the way that the office of the President is to be utilised? These are constitutional posts.

What respect do you have for these constitutional posts? This is the grave danger that you are going to address to.

Sir, with your wisdom, you are asking me to conclude. I would like to just remind this House through you, about the basic functioning of the Constitution. I am not going to quote many things, though I have other information about what Pandit Nehru had said in the Constituent Assembly, etc.

I am concluding, but before that, I would like to quote only one thing. The Centre's dismissal of four Governors has focussed the attention on the long-term distortions that have characterised the appointment, the performance and replacement. The larger and more significant question is why the institution of Governor, supposedly designed for maintaining links and building harmony between the Centre and the State within the framework of cooperative federalism has become a hotbed of controversy. Why are we discussing this today in this House? This is the question which is to be addressed.

MR. DEPUTY-SPEAKER: Thank you.

SHRI B. MAHTAB : I would like to quote here what Justice V.R. Krishna Iyer said. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: You have taken more time. Please sit down. Now, Shri Chandrappan.

...(*Interruptions*)

SHRI B. MAHTAB : Justice V.R. Krishna Iyer's opinion on this, has come out on the 5th July. This is more important and I would like to draw the attention of this House, so that. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Please sit down. I have given you sufficient time, more than what is necessary. Please sit down.

...(*Interruptions*)

SHRI B. MAHTAB : Sir, V. R. Krishna Iyer is an eminent person in this country. ...(*Interruptions*)

SHRI C.K. CHANDRAPPAN (TRICHUR): Sir, I am happy that you have allowed to me participate now. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: I have called the next hon. Member. Shri Mahtab, please sit down now.

...(*Interruptions*)

SHRI B. MAHTAB : Just a moment, Sir. ...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Chandrappan, please wait for a minute. ...(*Interruptions*)

SHRI B. MAHTAB : I quote him. He said:

> "India is a federal State in a fundamental sense. Although there are central features whittling down federalism and quasi-federal dilution, to undo the federal character is to violate the basic structure. The Governor is the Head of a State as repository of Executive Power, and to debunk his stature and status is to frustrate the political ethos of the Constitution."

MR. DEPUTY-SPEAKER: Thank you.

SHRI B. MAHTAB : With these words, I would like to say that.

MR. DEPUTY-SPEAKER: No. No. Please sit down.

SHRI B. MAHTAB : What is at stake is the reverence of the people for the Constitution. You are attacking the reverence of the people's faith in the Constitution.

SHRI C.K. CHANDRAPPAN (TRICHUR): Sir, I am happy that you have allowed me to participate in this discussion.

I would like to start from where he ended. He asked a question as to why the post of Governor, always from its very inception, is in great controversy. It is a political question essentially. Whatever the Constitution might have said about the role of Governors, like keeping good relations between the Centre and the States, etc., what was in fact our experience?

He cited what happened in Kerala in 1959. In 1959, in Kerala, for the first time, when a non-Congress Government came into existence − it was Communist Government and it had majority. All attempts at defection and other things did not succeed. So, it was dismissed on the basis of a report given by the Governor.

The Governors, all along, were made to do this dirty job. Whether it was Congress Government, whether it was BJP Government or whether it was Janata Party Government − for a short while in-between − all of them wanted the Governor to be their hatchet men. That was the role they played.

Here the question is whether we should discuss the ideological plain in which the Opposition Leader says, Governors are removed or whether we should discuss whether the post of Governor is essential to remain in our Constitution because we do not find the well defined role in the Constitution being played or allowed to be played by the Governors. So, I think that question should be debated.

Now, the Opposition Leader is raising a problem. I understand it is very difficult for them to reconcile with the reality that they have been defeated in the elections. It is not an ideological question. It is a political question that the BJP, the National Democratic Alliance was defeated. Its ideology, politics, economy, in fact everything they represented was rejected by the people of India and a new reality has come into existence, a new Government with its own programme.

When that happens, as it is the tradition in our country, whatever might have been said in the Constitution, the Governors who are of RSS persuasion cannot remain in Office. The verdict of the people essentially was against the RSS. So, naturally those Governors who have that ideological and political persuasion should not expect that they would remain there. I do not want to quote but there were enough quotations raised here. One Governor in his over enthusiasm was saying that he was proud of the fact that he was an RSS man. That Governor might have been so novice in politics that he might not have understood or realised that a day would come when that Government and the RSS would be out. How did they behave till the last moment? Till the last moment they were guided not by the President but by the BJP. BJP said, 'do not resign and go. Remain in Office'. So, they remained in Office. How could you expect such Governors would be allowed to remain in Office when a new Government of a different political persuasion, quite opposite to the politics and ideology, of BJP and RSS would allow the governors

to continue in Office? It is not necessary to expect that.

Now the question is, if at all these Governors are to be there in future, then the mode of their appointments should be discussed more thoroughly. In our opinion it is an unnecessary, ornamental post and without that also the country can be run very well. If that cannot be abolished then I must say that the appointment of Governors be made by the Government but be ratified by this Parliament so that there is some accountability to the people and there is some transparency in their appointments.

We may say so many good things about the Governors but everybody knows the reality. The retired politicians, old and ailing politicians, who are spent-force otherwise are allowed to be kept in the office of the Governors. That is the reality. Again, the bureaucrats, who while in office might have done some job that the Ministers wanted, are being compensated with the office of Governors after their retirement. Is it not the reality? When that being the reality you cannot elevate those Governors to a very high constitutional pedestal and say that they are the embodiment of the Constitution. They are not so. Let us think in terms of whether we can continue without the Governors. That is quite possible. It is not such an essential office.

Another thing that I would like to mention is that if at all the Government wishes to have a Governor, then the present mode of appointment should be changed. We, the Members of Parliament are the representatives of the people and the appointment of the Governor should be ratified by the Parliament.

MR. DEPUTY-SPEAKER: Please conclude now.

SHRI C.K. CHANDRAPPAN : Sir, I would not take much of your time. Let me just conclude.

Sir, Shri Advani and members of his Party boycotted the proceedings of the House when there were indications that a few Governors might be removed. The first session of the Parliament was boycotted by them and they threatened to come up with even bigger agitation in Parliament in the days ahead. The Parliament saw a big uproar on the first day. Then they threatened that they would go to the people and would like to see what the reaction of the people was. I only want to say this; even if they had gone to the people, the people would not have said that the Governors should be re-appointed. We should go to the people. Here, in this case, if the appointment is made with the concurrence of the Parliament, then in a way, the Government is taking the concurrence of the people. This mode of appointment could be thought of. Talking of ideological plane and all that is just a whitewash by Shri Advani. Of course, he has made very good speech. But the reality is that they have not been able to reconcile to the hard fact that they are now in the Opposition. They have been rejected by the people. The RSS ideology has been rejected by the people. If they could accept this fact, then both the country and this House in particular would run smoothly. That is what I wanted to say.

MR. DEPUTY-SPEAKER: They are two more speakers to speak on this subject. They will be allowed two to three minutes each.

Dr. M.Jagannath.

DR. M. JAGANNATH (NAGAR KURNOOL): Sir, what can I say in just two minutes? It is better that I do not speak at all.

MR. DEPUTY-SPEAKER: You please continue.

DR. M. JAGANNATH : Respected Deputy-Speaker, Sir, thank you very much for giving me this opportunity to take part in the discussion under Rule 193 raised by the hon. Leader of the Opposition, Shri L.K.Advani.

Sir, all of us know that the institution of the Governor is a non-political one. It is a bridge between the State and the Centre. He is the representative of His Excellency, the President at the State level to oversee the smooth functioning of the affairs of the State. The post of the Governor is a tenure post duly appointed by His Excellency, the President of India and the Governor will remain in office during the pleasure of the President of India. Shri Advani has dwelt at length about the implications of appointment and removal of Governors. I would not like to touch that point and waste the time of the House. In the recent past, soon after the UPA Government took over, they have removed four Governors, which is an arbitrary, unwanted, unconstitutional and a politically motivated action...(*Interruptions*)

MR. DEPUTY-SPEAKER: Shri Athwale, no running commentary please.

DR. M. JAGANNATH : The hon. Home Minister said that it was based on ideology. I totally agree with the Home Minister. It is because the Governor of Uttar Pradesh not sacked a democratically elected Government in the State as was done in Andhra Pradesh, when the late N.T.Rama Rao was in power. I am just quoting...(*Interruptions*)

MR. DEPUTY-SPEAKER: You have no right to speak like this. Nothing will go on record.

(Interruptions) *

DR. M. JAGANNATH : You talk about it in your turn...(*Interruptions*) It was done because at that time the State Government was not toeing the line of the Central Government when Congress was in power. In spite of having an absolute majority the elected Government in the State was sacked, but after a lot *dharnas* and *hungama*, the Government was reinstated. Was it a democratic action? What moral right they have to speak about democracy? The Governors have been removed but how much time were they given? They were given hardly 10 or 15 days time. They might have been aligned to the RSS but were they indulging in RSS activities?

Were they indulging in RSS activities or associating with them openly? Is it not a killing of democracy? Whichever party may come to power, Governors should not be removed. The post of the Governor is a respectful one and he is appointed at the pleasure of the President which all of you may agree. Whenever a new Government comes to power, it is a very bad practice either to change the Governor or keep it depending upon their liking. It should not be scrapped saying that it does not suit them. This practice should be changed.

So many things have been said. Hon. Advaniji quoted from the debates of the Constituent Assembly and also the Report of the Sarkaria Commission. He mentioned many guidelines. My appeal to the Government is, whenever the Government changes, it is an unconstitutional act to remove the Governors. The Governor should be allowed to complete his term whichever party comes to power. The guideline says that no politician should be appointed to that post. Why then Shri Balram Jhakhar was appointed when he sticks on to politics? This is blatant violation of the constitutional provision.

* Not Recorded.

My request is, whenever there is a change of the Government, the institution of the Governor should not be degraded or removed. Or else, the institution of Governor should be scrapped which is more misused rather than being used for good purposes.

श्री रामदास बंडु आठवले (पंढरपुर) : उपाध्यक्ष महोदय,

"भारत सरकार का जो खाएगा, वह आरएसएस का गीत नहीं गाएगा।

ऐसा व्यक्ति जरूर वहां से जाएगा, और दूसरा हम वहां लाएगा।"

इस बात से हम सहमत हैं कि राज्यपालों को हटाना नहीं चाहिए। छः साल आपकी सरकार रही, उस समय आपने बहुत से लोगों को हटाने का काम किया था। इस देश के राज्यपाल हों, मुख्य मंत्री हों, प्रधान मंत्री हो, संसद सदस्य हों या एमएलए हों या 102 करोड़ नागरिक हों, सभी को भारत के संविधान को मानना चाहिए। डा. अम्बेडकर जी ने सैक्युलरिज्म को संविधान में निहित किया था, इसलिए संविधान को मानने की सभी लोगों की जिम्मेदारी होनी चाहिए। डिसिप्लिन के लिए आरएसएस का काम अच्छा है। हम भी मानते हैं कि डिसिप्लिन के लिए आरएसएस का काम अच्छा है। मैं भी सोचता हूं, थोड़ा डिसिप्लिन सीखते, तो मजबूत हो जाते। लेकिन यहां डिसिप्लिन की बात नहीं है, भारत की नेशनल इंटिग्रिटी को मजबूत करने की बात है। यहां कोई भी जाति के लोग हों, सिक्ख हों, बुद्धिस्ट हों, जैन हों या लिंगायत होंâ€¦ (व्यवधान)

एक माननीय सदस्य : हिन्दी तो है ही। â€¦ (व्यवधान)

श्री रामदास बंडु आठवले : कोई भी धर्म का आदमी हो, वे सब इंडियन लोग हैं। परिस्थितियों के मुताबिक धर्म बदला है। जिनको आप हिन्दू समझते हैं, दूसरी शताब्दी में अपना भारत पाकिस्तान-बुद्धिस्ट था, अफगानिस्तान-बुद्धिस्ट था। आप लोग हिन्दू हैं, हम भी हिन्दू ही थे, मगर आप लोगों ने हमको एक्सैप्ट नहीं किया, इसलिए हम बाहर निकले। कहने का मतलब है कि आप लोग आरएसएस का प्रचार करो, मगर आरएसएस के प्रचार में बदलाव करने की आवश्यकता है। आडवाणीजी, आपसे हमारी इतनी ही रिक्वैस्ट है कि आपको आरएसए की विचारधारा में बदलाव करना चाहिए और आरएसएस को सैक्युलरिज्म को स्वीकार करना चाहिए। हिन्दू धर्म की बात करो, लेकिन हिन्दुत्व की बात मत करो। हिन्दूत्व की बात करेंगे, तो आप उधर और हम इधर रहेंगे। इस तरह का काम हमेशा होने वाला है। हिन्दुत्व की बात नहीं करनी चाहिए। इसलिए जो चुनाव हुए थे, उसमें आपने हिन्दुत्व का मुद्दा जोड़ा था और आप लोग कहते थे कि विकास का मुद्दा लेकर आगे जा रहे हैं। विकास के मुद्दे पर चुनाव लड़ रहे हैं और हमारा मुद्दा सैक्युलरिज्म था। इसलिए आप सत्ता में नहीं आए। मैं इतना ही कहना चाहता हूं कि यह आर्डर राट्रपति जी का आर्डर है। आप लोग इधर क्यों दोा देते हैं। राट्रपति जी ने एपाइंट किया था और राट्रपति जी ने हटा दिया। â€¦ (व्यवधान)कानूनी तौर पर हटाया है। कहने का मतलब है, कानूनी तौर पर एपांइट किया था और हटाने की जो बात है, वह कानूनी तौर पर हुई है।

मैं कहना चाहता हूं कि केवल आरएसएस का होने पर उन्हें नहीं हटाया गया। उन्हें भारतीय संविधान को पूरी तरह स्वीकार करना चाहिए था। अगर आप यह बोलेंगे कि हम राट्रपति का आदेश नहीं मानेंगे, हम भाजपा का आदेश मानेंगे, आरएसएस का मानेंगे तो हम यह बात नहीं मानेंगे। यदि आप उनका आदेश मानते रहोगे तो काम नहीं चलेगा। महाराट्र के राज्यपाल को भाजपा ने नियुक्त किया था। हमने उन्हें हटाया नहीं है। अभी चार राज्यपालों को हटाया है। बाकी बहुत कुछ करना बाकी है। आपने श्री मदन लाल खुराना को नियुक्त किया। हमने उनको नहीं हटाया क्योंकि वह दूसरे आरएसएस की विचारधारा को मानने वालों से अच्छे हैं। जो अच्छे हैं हम उनको हटाने वाले नहीं हैं। जो कोरे आरएसएस वाले हैं और कहते हैं कि हम आरएसएस के मैम्बर हैं लेकिन आरएसएस से पहले भारतीय हैं, भारतीय संविधान को मानेंगे, भारतीय संविधान के लिए काम करेंगे, उनका हम आदर करेंगे। यही बात राज्यपालों को कहनी चाहिए। जो राज्यपाल ऐसा नहीं बोलेंगे, गृह मंत्री को चाहिए कि उन्हें हटा दें। अगर वह ऐसा नहीं करेंगे तो हम उनके खिलाफ आन्दोलन चालू करेंगे। आपने यह सवाल उठा कर अच्छा किया। अगर उन्हें ज्यादा दिन तक रखा जाता तो राज्यों में गड़बड़ी हो सकती थी। उनको हटाने का काम कानूनी तौर पर किया गया है। मैं 6 साल से इस हाउस में हूं। â€¦ (व्यवधान)आप इस बारे में बात करने

के लिए प्रधान मंत्री से मिले थे। â€¦ (व्यवधान)बिहार के राज्यपाल को हटाने की लालू जी की जो मांग है, मैं उनसे कहना चाहता हूं कि गृह मंत्री जी उनके पास बैठे हैं. वह उनसे कहें कि उन्हें हटाया जाए। सरकार अपनी है। जिन को हटाना है, उनको हटाइए।

खैरे जी 14 महीने की बात कर रहे थे। उन्होंने 14 महीने कहां से निकाले हैं? आप सब 14 साल राह देखो। आप सब को अभी यहां आने का मौका मिलने वाला नहीं है। हम अभी एक साथ आए हैं। इतने लोग हमारे साथ हैं। हमारा कुछ नहीं होने वाला है। अटल जी ने पहले 13 दिन सरकार चलायी, फिर 13 महीने सरकार चलायी। उन्हें बाद में ऐसा लगा कि 13 साल सरकार चलाएंगे लेकिन ऐसा नहीं हुआ। अब हम राज करते रहेंगे।

17.53 hrs. (Mr. Speaker in the Chair)

अब आप आए हैं। आप भी हमारे साथ हैं। हमें कोई चिन्ता नहीं है। जब आप थोड़ा पीछे थे तो हमें थोड़ी चिन्ता थी। अब आप सामने आ गए हैं तो हमें कोई चिन्ता नहीं है।

MR. SPEAKER: I am not only with you. I am with everybody here.

श्री रामदास बंडु आठवले : हम राज करते रहेंगे और देश को मजबूत करने का काम करेंगे तथा गरीब लोगों को न्याय देने का प्रयत्न करेंगे। देश से गरीबी हटा कर देश को मजबूत करने का प्रयत्न करेंगे। इस काम को करने के लिए हमारी सरकार आई है। इतना ही मुझे कहना है।

SHRI ASADUDDIN OWAISI (HYDERABAD): Mr. Speaker, Sir, the hon. Home Minister, I stand corrected, in a Press Conference on 3rd July had said:

> "We have taken action in States, where the incumbents had different ideologies. A person with a particular ideology finds it difficult to understand another viewpoint or sometimes does not want to understand. This can create difficulties especially at a time when the Government of one ideology is replaced by that of another."

The Leader of the Opposition, during the course of his speech, had called it fallacious, dangerous and very ominous. I do not know what is dangerous in this. It is a fact that the UPA does not believe or does not subscribe to that ideology to which the former Home Minister subscribes to. The Leader of the Opposition talked very widely about the Sarkaria Commission. I want to know what is his opinion about the recommendations of the Sarkaria Commission. The recommendation of the Sarkaria Commission is that the Government of the day should seek the consent of the Chief Minister before appointing the Governor for that particular State. Had the then NDA Government sought the consent of the Chief Minister of Bihar while appointing the present Governor? ...(*Interruptions*)

SHRI SUSHIL KUMAR MODI (BHAGALPUR): Yes.

SHRI ASADUDDIN OWAISI : Maybe the Railway Minister will be able to enlighten you.

The second thing is that we cannot give security of tenure.â€¦ (*Interruptions*)

MR. SPEAKER: Shri Salim, please take your seat.

...(*Interruptions*)

SHRI ASADUDDIN OWAISI : We cannot give the Governors the same security of tenure which is given to a Supreme Court Judge. A particular decision has been taken by the UPA Government. Mr. Minister, I would go to the extent of saying that you have taken some hard decision. You must go ahead with it and remove such persons because the mandate has been given to the UPA to cleanse all the constitutional and political systems where people of such ideology have been appointed....(*Interruptions*) Moreover, when you talked of ideology, as a Muslim, I would like to point out what had happened in Gujarat. Thousands of people of our community were butchered. That is there. ...(*Interruptions*) That is your ideology. How can we keep quiet when persons of such ideology have maintained their silence despite holding a constitutional position of Governor? Not a single report was presented to the Government saying that the present Gujarat Government had failed in its duty to safeguard the life and property of the people. I would request the hon. Home Minister, through you, Sir, to continue with the good work that he is doing. I want to congratulate him. I would request him that wherever possible, wherever such people are there, who subscribe to such ideology, they should be removed immediately.

With these words, I conclude.

SHRI SHIVRAJ V. PATIL: Sir, at the outset, I would like to say that I welcome this debate....(*Interruptions*)

MR. SPEAKER: You always disturb his thought.

...(*Interruptions*)

SHRI SHIVRAJ V. PATIL: I will concede to your suggestion also a little later.

Sir, debate is better than din, noise in the House or boycotting the debate. We appreciate the decision taken by the friends sitting on the Opposition benches to have a discussion rather than boycotting the House.

Many points were made by the hon. Leader of the Opposition Shri Advani and some of his colleagues sitting on that side. The friends who are sitting on this side have tried to reply to most of the points one by one. So, my job has become easier. It is not necessary for me now to reply to each of the points in detail.

I have tried to analyse the entire debate. I have come to the conclusion that there are some salient features of this debate, most important points in this debate which can be responded to on behalf of the Government by me.

In the course of arguments, Shri Advani has referred to the debate in the Constituent Assembly; has referred to the recommendations made by the Sarkaria Commission, referred to the decisions of the Inter-State Council and also referred to the report given by the Review Committee on the Working of the Indian Constitution. I would like to submit that the debates in the Constituent Assembly, the recommendations made by the Sarkaria Commission, the decisions of the Inter-State Council and the report given by the Review Committee are of advisory in nature. They can persuade us to take a particular stand but they have not yet become binding on us.

18.00 hrs.

Even the decisions taken by the Inter-State Council are not binding on the Government, Parliament and the people of the country unless they are given the shape of a law. So, while we would like to respect what they have expressed and ponder over all that they have said, what is binding on the Government, Parliament and the people is the Constitution of India as it stands today until it is changed, until it is amended.

MR. SPEAKER: It is 6 o'clock now. We can continue to sit till this debate is over. After that, how long would you like to sit on the General Discussion on Railway Budget?

SEVERAL HON. MEMBERS: We will take it up tomorrow.

MR. SPEAKER: Are you not prepared to sit late today?

SEVERAL HON. MEMBERS: No, not today. We will take it up tomorrow.

MR. SPEAKER: All right. I take this as the sense of the House.

SHRI KHARABELA SWAIN : Mr. Speaker, Sir, I would like to ask a question to the hon. Home Minister. The British Constitution does not exist on paper. It does not have any written clause. It only functions on conventions and practices. Does the hon. Minister think that everything should be put on paper and there should be no convention to be set up by any Government? This is my question.

SHRI SHIVRAJ V. PATIL: Sir, I will reply to his query at the end of my reply because my speech time should not be interrupted.

What is the Constitution as it stands today? I seek the indulgence of the House to read the relevant portions of the Constitution. Article 156 (1) of the Constitution says:

> "The Governor shall hold office during the pleasure of the President."

This has been quoted many times on the floor of the House. Article 156 (3) says:

> "Subject to the foregoing provisions of this article, a Governor shall hold office for a term of five years from the date on which he enters upon his office."

It means that a Governor will hold office subject to 'the pleasure of the President'. A term of five years is given to him, but it is subject to 'the pleasure of the President'. Now, this is the law which is relevant to the appointment and removal of the Governor.

I would like to submit that there are many constitutional functionaries like the President of India, Vice-President of India, Speaker of Lok Sabha, Judges of the Supreme Court, Judges of the High Courts, Election Commissioners, Comptroller and Auditor General of India, etc. They are all functionaries who are mentioned in the Constitution and

if we study and analyse the constitutional provisions very carefully, we will find that all these functionaries can be removed only by following a particular procedure laid down by the Constitution.

This House knows as to what happened when a Motion was moved to remove one of the Judges of the Supreme Court. The notice was given to the Speaker, the charges in that notice were examined by a Committee, a Report came to this House, this House discussed it and because this House did not agree to that Report by two-thirds majority, that decision went in favour of the person against whom the notice was given. So, that is the procedure laid down for removing the Judges of the Supreme Court, High Courts and the Election Commissioners. For removal of other constitutional functionaries, provisions are made in this Constitution itself. What can be done against those constitutional dignitaries has been specifically mentioned in this Constitution.

But Article 156 (1), in very clear terms, says: "A Governor shall hold office during the pleasure of the President."

That is exactly what has been said. This House can make a law but this House cannot interpret the law. The decision given by the Supreme Court and the High Court is binding on this House also, though this House can change, in light of the decision given by the Supreme Court or the High Court, the law which is in existence, and the interpretation of that law may not be acceptable to this House. This House can change, but until that is done what is decided by the High Court and the Supreme Court is binding. I am not putting my own interpretation on the provisions of this Constitution. I am taking a recourse to a judgement given as back as in 1982 and that judgement is supported by some of the Supreme Court judgements also. But this judgement is onflow with the situation that is being discussed in this House.

I am seeking permission to read out some of the provisions of this Constitution. Now, this judgement is a law for us. This judgement is a law for the Government, to the Home Ministry, to the Members sitting here, to everybody sitting here and this is the judgement. This judgement has not been overruled as far as my understanding goes. This judgement still exists. It lies within the power of the President to terminate, in his discretion, the term of the Office of the Governor at his pleasure. The Presidential pleasure contemplated in the article is unjusticiable. It is not regulated or controlled by any provisions in the manner as provided under article 311 in relation to Civil Administrative Services.

Article 311 provides, 'that no civil servant can be removed from his service without holding an inquiry. But I am not comparing it with Governor's position, I am comparing it with other constitutional functionaries. The provision for removal or dismissal of a Governor is an obvious requisition of the unregulated and uncontrolled Presidential pleasure exercisable at any moment without cause or without any stated reason.' The judgement says, 'if these were not so, the Governor will have the most secured term of office, more secure than any office held by a member of Civil Service. He will be irremovable, although judges holding office during good period would be removable in accordance with the procedure established by article 124(4). The condition of his term of appointment being during pleasure of any provision or procedure as provided for this removal would be unnecessary and superfluous. He has no security of tenure and no fixed term of office. He may be removed by an expression of Presidential displeasure. His removal at pleasure gives no cause of action. Neither the Presidential order can be challenged in any court, nor can it be refused in any House of State Legislature or Parliament. Legally, the Presidential Order is conclusive.' I would still like to read, 'the idea of a fixed mandatory term and for that matter the idea of irremovable Governor was not approved or accepted by the Constitution'.

We have referred to the debates on the Constitution - what a particular Member, Shri Shah said at that time and what Dr. Ambedkar replied to that. But, we do not have to depend on the debate of what they said while making speeches. We have to refer to what was the decision taken by the Constituent Assembly, and this is exactly what this judgement is saying. 'The mode of an elected and consequently an irremovable Governor was deliberately not adopted by the framers.

> "â€¦It was thought that an appointed or nominated Governor, holding office during the Presidential pleasure, would remove a source of possible separatist tendencies."

Sir, this judge is talking about separatist tendencies. Now, if you make him not removable, that will create separatism and that will strike at the root of federalism or the Union of India.

Now, this is what the judges are saying after considering all the provisions:

> "The pleasure condition of the Governor's term makes any proceeding or procedure or rules or natural justice, for his removal, unnecessary. A removal provision exists in cases of higher functionaries including President, Chief Justice and Judges of the Supreme Court and those of the High Courts. But no such provision exists in case of those functionaries who hold office during the pleasure of the President."

Sir, it is very relevant. Advaniji has emphasied on federalism, federal structure and character and where it affects. I can understand the concern felt by a person like Shri Advaniji for the integrity and federalism or federal structure of the country.

But, this is what the Judges have to say:

> "If the Governor should be irremovable during his five years' term, while the President can be removed following his impeachment in Parliament and irremovable Governor of a State holding office during the pleasure of the President would be an anomaly. He must endanger executive efficiency, Union-State relations and might be responsible focal point of separatist tendencies. For the aforesaid reason there is no merit in the argument that unless a minimum constituent term of five years for the office of the Governor is held to be mandatory, it would demolish the basic structure of the Constitution. The Government would become sub-servient to the President and through him to the Government of India."

The arguments which were advanced by the hon. Members sitting on the other side have been rejected by an impartial Judge sitting in one of the High Courts.

> "Neither article 156, nor article 160 enjoins on the President duty to give explicit reasons while issuing orders under them. The President of India is the best judge to decide as to when and in what circumstances the term of the sitting Governor of a State would be reduced, or may be asked to vacate the office, or may be transferred from one place to another. It is not the requirement of article 156 that a person who holds the office at the pleasure of the President shall be removed by a speaking order. Reasons are not required to be disclosed."

SHRI L.K. ADVANI : Mr. Speaker, Sir, I entirely endorse what the Home Minister has said that the constitutional provisions are clear, that the law is the law as laid down by the Supreme Court. And that what the Sarkaria Commission has said, what the Inter-State Council has said, or what the Review Committee have said, they are all advisory. And it is significant that this judgement is of 1982. And all the recommendations of the Sarkaria Commission, the decisions of the Inter-State Council, of the Review Committee are all subsequent. But what I would like to point out is that while the Government has to abide by the law and the Constitution, it is not my contention that the post of Governor should be irremovable. No, it is not.

Therefore, I have not quoted from the Sarkaria Commission the kind of recommendations that were made by various political Parties, by various States as to how the post of Governor should be removable but with a certain procedure. Some said it should be by the process of impeachment, and some suggested other things. What I am saying is that law is binding on the Government.

But advice is not something that can be discarded. It is for the Government to decide whether to accept the advice or not. I believe that when we did what we did, we were not bound by the law to do what we did but we went by the advice of the Sarkaria Commission. Some Members had pointed out that some three Governors were removed. Yes, two of them were appointed after the process of election had started, and one of them was the Gujarat Governor about whom everyone knows what kind of controversy went on. So, I do not say that the post of Governor is irremovable; you have no right; and the President has no right to remove a Governor. There is a right but the advice given by various bodies cannot be lightly disregarded. After all, if I were to read out the Governors who were there, 25 Governors were there when we took over, most of them were known Congressmen and some of the Chief Ministers who were there in our States kept on saying that they were having problems with them. But we said: "Nothing doing. You may be having problems with them but we will abide by the recommendation of the Sarkaria Commission." I do not know why you could not do the same. That is all. ...(*Interruptions*)

SHRI SHIVRAJ V. PATIL: Sir, what I was saying was what is binding on the Government and what is a persuasive and advisory nature. I have not said that we are not going to look at these recommendations and advice given by them. And even the Inter-State Council, which was created and chaired by Shri Advaniji, I had seen their Report very carefully with regard to the Sarkaria Commission. Many of the recommendations given by the Sarkaria Commission were rejected by the Inter-State Council. Even this recommendation was rejected. But can we adopt an argument by saying that what can be done as per the law by the Government is going to strike at the very root of federalism? Now, this judgement is more relevant on federalism. He is saying that if you make the Governor not removable, it will affect federalism more than that it affects now. ...(*Interruptions*) Some people may agree with that or some people may not agree with that. But supposing, as is said by many hon. Members here, the mandate given to this Government is reflected in 325 Members sitting in this House and it is in favour of taking everybody with the Government. If somebody says that this is not the policy which is acceptable to us and he is not accepting the directions given or he is not reporting as he should report on this point, will it not create a sort of difficult situation for the State, for the Union in respect of the implementation of the mandate also? Now, that is the case. But I will

come to that later on. At this point I am saying that I am bound by this law and we have acted on that.

I thank you very much for saying, "As far as the law is concerned, we have no dispute with the Government's action." ...(*Interruptions*)

SHRI L.K. ADVANI : I had seen the judgements also on this issue of pleasure and it is still an open question according to the Supreme Court. I would say that the spirit of federalism has been violated; whether the letter also has been violated or not is still to be determined. ...(*Interruptions*)

SHRI SHIVRAJ V. PATIL: Whether we have acted in a proper manner as per the ruling given by the Rajasthan High Court, as per the word and spirit of the Constitution, I think, you have not argued on that point, and I thought that you had conceded on that point.

As far as the constitutionality of the action taken by the Government in this House is concerned, you did not want to dispute. Otherwise, in your ability and in your persuasive language, you could have told us, "Here you have committed a mistake. Constitutionally you are wrong. Legally you are flawed." That could have been told to us but that has not been told to us. That is why, I am presuming maybe wrongly, and if you say that even the constitutionality of it you are challenging, then I will not labour on this point. But my impression is that as far as the constitutionality of this action is concerned, you have very little doubt in your mind because the word and the spirit, and the judgements given are supporting this action. That is the point I was trying to make.

The second point that I would like to make is about the precedents. Now, Shri Advaniji, not once but two, three times, has said: "We have laid the convention, the principles which should have been followed by others also."

Shri Advani, it pains me to say anything to contradict your speech, but I have to. I would like to say that the Governor of Mizoram, the Governor of Gujarat and the Governor of Goa, Dr. Arun Prasad Mukherjee, Shri Krishna Pal Singh and Shri Satish Chandra were asked to give their resignations. They tendered their resignations on 13.4.1998, on one and the same day. You had asked them to resign and they had resigned. If you are adopting a plea that because they were appointed by the caretaker Government and so you removed them, that can be a good argument. But this is not based on principles. Whether appointed by a caretaker Government or any Government, for that matter, it is you; your Government had sought the resignation. You and your Government had obtained the resignation. How can you now say that you did not remove any Governor? This is a matter of point. Then I will come to the other points.

SHRI L.K. ADVANI : I have read out the list of all the Congressmen. ...(*Interruptions*) They are not Congressmen.

SHRI SHIVRAJ V. PATIL: I am saying we have not removed all those who belong to your Party. One of the Members, Shri Pawan Kumar Bansal, very promptly pointed this out. ...(*Interruptions*) Regarding issues of ideology, you do not try to find a peg on which you want to hang your argument.

SHRI L.K. ADVANI : The very Motion referred to that.

SHRI SHIVRAJ V. PATIL: I will come to that point. I am not leaving that point. Let me go one by one. I am on the point of constitutionality.

I am on the point of precedents. Shri Advani, I am sorry to say that it is not once but many times in the course of your debate, you said that you conducted yourself in an exceptional manner. You did not touch anybody. Is it a fact? Three Governors were removed. Sitting in this House, I am a witness to that. One of the Governors, the Governor of Uttar Pradesh, was really hounded. What was said against him? He found it untenable to continue in the office. Now, we know we have not said a single word against the Governor. There is a provision under the rules and under the Constitution. Unless you give a substantive motion against a Governor, you cannot discuss Governor, but then the Governor, who was not answerable, who was not sitting here, was discussed. He was discussed in such a manner that in disgust, he said, "I vacate, I go." He did go. Was that exceptionally good?...(*Interruptions*)

Then, Sir, I will give you this information. In 1990, not one but all the Governors were asked to resign. I am not quoting what the President has set. ...(*Interruptions*) Yes, you know that. I would like to remind you that you were supporting that Government.

SHRI L.K. ADVANI : I did not pull down. ...(*Interruptions*) Therefore, I have claimed credit for the NDA Government, and not for that Government.

SHRI SHIVRAJ V. PATIL: It was pulled down later on. You were supporting it. ...(*Interruptions*) Shri Advani does not need your help. You know he can defend himself. I am saying you were supporting that Government and you pulled down that Government when you were going in *Rath Yatra*. Was it not for ideological reason? ...(*Interruptions*) I will

come to that.

SHRI L.K. ADVANI : I have compared it, and I have said what Shri Mufti said. It is a change of parties. ...(*Interruptions*) Therefore, I said that was also wrong. ...(*Interruptions*)

SHRI SHIVRAJ V. PATIL: Shri Mufti is not in the House. I am not mentioning his name. There are others who have taken their names, but I have not mentioned it. You are here. So, I am addressing you. You were supporting that Government. Not only this, I have one more question to ask. I do not have any firm information on that. When the doctrine of change of Governors with the Government was propounded, I am told that some of the leaders sitting with you had said that that is a good doctrine.

I do not know about it. You say that it is not correct. I would like to know from you whether you have said it or not. You and your leaders had said that when the Government changed the Governor should change. When that doctrine was propounded, you not only supported that Government but you supported that doctrine too. I would like to know from you. If I am wrong, I withdraw my words. ...(*Interruptions*)

SHRI L.K. ADVANI : Perhaps, the hon. Speaker could guide us on that. You are revealing something that I really do not know. ...(*Interruptions*)

SHRI SHIVRAJ V. PATIL: I would not listen to that.

SHRI L.K. ADVANI : That was a Government which had the support of my party as well as his party.

SHRI SHIVRAJ V. PATIL: Your saying that is more than enough for me. I do not have to embarrass anybody.

MR. SPEAKER: You can say that there have been some precedents. You have mentioned that.

SHRI SHIVRAJ V. PATIL: I am not mentioning anything about any of the persons who are not in the House. I am mentioning about only those who can reply to the debate here today.

You have said it and we have this information. Not one but 17 Governors were asked to resign. You were a part of that Government. At least, you were supporting that Government from outside. Naturally, you separated from that Government later on for reasons which are known to everybody and yet the point I am making is this. Can you now complain against the action taken by the Government and say that you laid down a principle which was shining, which was lofty, and which was magnificent? ...(*Interruptions*)

MR. SPEAKER: Do you want to follow him?

...(*Interruptions*)

SHRI SHIVRAJ V. PATIL: I do not want to follow him. We have our own methods of doing it and we are following them.

Some Governors were removed in 1991 and 1992 also. I am not mentioning all those things but the point I am making is that the Governors were removed in the past. There were precedents and if we had done this by following the law and the precedents, we should not be told that we are Fascist, we should not be told that this is an invitation to Emergency, and we should not be told that we have committed a blunder. There may be differences of opinion. You can look at it from a different angle but this kind of a superlative accusation against us, I think, cannot hold water.

The reason stated has been that of ideology. I think, this point has been very well argued. On this point, submissions have been made by hon. Members but why are you raking up this point? I am trying to say now that if you are on a weaker ground on legality and precedents, you do not have to create a new ground. When I was asked why they were being removed, I said, "If we want to carry all people with us but some people do not believe in carrying everybody with himself or herself and yet we have to act with them and differences arise, ultimately people will suffer." I said nothing more than that. I did not talk about ideology. If I talk about any ideology, I would talk about the ideology mentioned in the Preamble and in the Directive Principles of the State Policy. If any Governor was not following that ideology, that is, the ideology of secularism and socialism, which is explicitly mentioned in the Preamble and visible in many parts of the Constitution, I would find it very difficult to produce the results as per the mandate given by the people. I do not want to labour on this point too much. I think, probably some reports and some headlines might have created an impression in the minds of some people that this was done for these reasons. I do not want to say anything about it but at the same time I have said now what I had said and I hold it now.

Let us look at what happened in Gujarat. If something of that nature or some situation of that nature occurs again in the future and there is some inhibition in the mind of the person who has to give the report to the Government, what

will happen? What happened in Uttar Pradesh?

The structure − Mandir or Masjid whatever you call it − was pulled down and then the Government of India was held responsible for it. But what do we do in such circumstances, that is the question. So, I had said that it is not ideology, it is of recent history of what has happened in Uttar Pradesh and Gujarat, which tells us that we have to be cautious. It is not that things are going to happen this way, but if you are governing, we can anticipate and we can be cautious and if you have done that well, we have not committed any blunder as such.

I would not like to discuss the conduct of a Governor. Many a time I was asked as to why we are removing them, is there anything wrong with them? I know very well that they would be defenceless and they would not be able to talk to the people. That is why, I did not discuss the conduct of the Governor. It is not that I could not have discussed. Why I did not discuss the conduct of the Governor? What we did was only just talk to them. But may I very politely submit that if any political party issues a directive that the Governor should not resign, are we not politicising the Governor's position? This would not have happened. We have no ill-will against these persons. The only concern we had was that it should be done in a dignified manner. I can understand the difficulties of political parties, individuals also and all those things. I am not blaming anybody. But then, if the directives go and if somebody says that I am proud of belonging to this ideology and I will go by the directives given by the `high command', what do you expect me to do? So, I am not mentioning any names. I do not want to labour on that point.

On federalism you have very rightly said that the federal structure of this country has to be kept intact. If we study the debates in the Constituent Assembly and what happened before the Constituent Assembly came into existence, they were all for federalism? But after the partition, I think, they shifted to calling this Government at the national level a Union of States rather than a Federal Government. Here, there is a difference between the American federalism and Indian federalism. In America, the States were in existence and then the Union was created, but in India Union came into existence and then the States were created and every time they drafted the Constitution in the Constituent Assembly, they were careful to see that this federal structure is kept intact and is not damaged. I would like very humbly to submit that a Governor is a nominated person, but the elected Legislative Assembly has the representative character. May I again very humbly submit for the sake of argument and not to gain any point against anybody that is it not a fact that nine States at one stroke were dissolved? Was it not more dangerous to federalism than this removal of four Governors? When that was done, please allow me to say that you were part of the Government. ...(*Interruptions*)

SHRI L.K. ADVANI : I would not have subscribed to that. ...(*Interruptions*)

SHRI SHIVRAJ V. PATIL: You might not have subscribed to it. ...(*Interruptions*) But what is dangerous is removing the elected persons rather than the nominated persons. ...(*Interruptions*) Take the case of Bihar Legislative Assembly. You wanted to dissolve the elected Assembly and remove the Government formed by the elected Members. Is this ideal for federalism? This is not ideal for federalism. ...(*Interruptions*)

SHRI KHARABELA SWAIN : What did your leader sayâ€¦...(*Interruptions*)

MR. SPEAKER: No, he has not yielded.

...(*Interruptions*)

MR. SPEAKER: Nothing will go on record except the speech of the hon. Minister.

(Interruptions) *

* Not Recorded.

SHRI SHIVRAJ V. PATIL: I thank you very much. ...(*Interruptions*)

श्री राम कृपाल यादव (पटना) : अध्यक्ष महोदय, क्या आपने इन्हें बोलने की परमीशन दी है?â€¦(व्यवधान)

SHRI VIJAYENDRA PAL SINGH (BHILWARA): Those precedents came from the Congress. That is why nine State Assemblies were dissolved.â€¦ (*Interruptions*)

MR. SPEAKER : Let there be no running commentary. Let us have a discussion.

SHRI SHIVRAJ V. PATIL : Sir, the point I am making is that we are really concerned and we would like to see that the unity and the integrity of the country is maintained. If it can be damaged, it will not be damaged by removing the nominated, appointed persons but by removing the elected bodies, dissolving the Governments and dissolving the Legislative Assemblies. Now, this is the point I am making, so, we did not have to do this.

As far as the consultation is concerned, well, I did not speak, I did not say whether I consulted the persons or not.

We did consult in our own fashion. Consultation is not concurrence. Consultation is not consent. Consultation is consultation. We did do that. I would not like to say anything more than that. I thought that people, in their own fashion, expressed their views they wanted to express. Some readily agreed, some said that well, this could have been and that could have been, and that is it. But it was not that the consultation was not there. ...(*Interruptions*)

MR. SPEAKER : Please, do not make comments.

SHRI SHIVRAJ V. PATIL : Sir, one last point and then I would complete my submission. I do not like to discuss the situation but just one point. You see Arunachal. What do we do? I would not like to say anything more than that. We have different kinds of reports - why were they given, what do we do − and all those things. We were asked for the assurances. We have not given any assurance, but we have not acted in haste or indignation also. I would not like to discuss even the situation in Arunachal.

SHRI L.K. ADVANI : Elections are due in September. Let the elections take place. ...(*Interruptions*)

MR. SPEAKER : This is beyond this motion.

SHRI SHIVRAJ V. PATIL : Sir, that was raised by Advaniji.

We would not give any assurance. We would not do anything thinking that this is that and that is that and we should do these things etc. Anything which will be done will be carefully considered and then done. But the point I am making is − what do we do when we get contradictory reports. What do we do?

Sir, I have done.

MR. SPEAKER : Thank you very much.

The House stands adjourned to meet tomorrow, the 13th July, 2004 at

11 a.m.

18.38 hrs.

The Lok Sabha then adjourned till Eleven of the Clock

on Tuesday, July 13, 2004/Asadha 22, 1926 (Saka).